

EXHIBIT 1

State Defendants' Phase 2 Compliance Report

Emma C v. Torlakson, et al.; Case No. 96-cv-04179-VC

STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT

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I. Background and Overview of Annual Data Use

The 5/18/18 Order requires the State to show that it collects the data needed to meet the federal reporting requirements under the State Performance Plan. Through this report, the State will describe how CDE uses the data collection described in Phase 1 to identify LEAs for monitoring in order to meet its obligations under federal law.

Not all of the data elements discussed in Phase 1 are used by CDE for purposes of monitoring compliance. For example, demographic data which is used to identify students, such as first and last name and statewide student identifier; data used to link student to a responsible LEA; or, data collected to satisfy the reporting and submission requirements established by the U.S. Department of Education and 20 U.S.C. section 1418, are not relevant to that analysis. **Attachment A** is a table that sets forth the use of each of the data elements identified in Phase 1. CDE will begin collecting data annually from all LEAs on restraint and seclusion and Individualized Education Program ("IEP") implementation consistent with the Court's August 17, 2018 Order re State's Compliance at Phase 1 (the "8/17/18 Order") and Assembly Bill 2657. CDE will provide specifics on the calculation methodologies and use in monitoring and enforcement activities in later phases as directed by the Court.

A. State Performance Plan/Annual Performance Report and Federal Indicators Under the IDEA

Section 300.601(a)(3) of title 34 of the Code of Federal Regulations, consistent with section 616(a)(3) of the IDEA, requires the U.S. Secretary of Education, through the Office of Special Education Programs ("OSEP"), to establish indicators to adequately measure performance in the monitoring priority areas. OSEP has clarified that "States are required to establish measurable and rigorous targets for the indicators established under the monitoring priority areas described in section 616(a)(3)."¹ Accordingly, each state is required to have in place a performance plan that sets targets for the State's implementation of IDEA Part B—assistance for education of all children with disabilities. This plan is called the IDEA Part B State Performance Plan ("SPP") and is required to be posted on the State's website.

Pursuant to 34 C.F.R. section 300.602(a), the evaluation of the State's implementation of IDEA Part B is measured by its performance in meeting OSEP's established targets of several compliance and performance indicators. OSEP sets the State Performance Plan indicators and the calculation methodologies through a document known as the

¹ See U.S. Department of Education, 34 C.F.R. Parts 300 and 301, Federal Register, available at <https://www.gpo.gov/fdsys/pkg/FR-2006-08-14/pdf/06-6656.pdf>, at 46732.

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"Measurement Table"; as such, CDE does not have discretion to change or alter any indicator or its calculation methodology. The State's implementation of IDEA Part B is reported by the State to OSEP in the State's Annual Performance Report ("APR").

The development and monitoring of a SPP cycle typically spans six years, unless the cycle is extended. The last time the SPP cycle was completed, for the school year 2013-2014, the Improving Special Education Services group (which included local administrators, parent groups, advocacy groups and others) and the Special Education Local Plan Areas ("SELPA's") were the primary stakeholders. This group reviewed the prior SPP indicator data to determine the targets for the following six years.²

Results from those stakeholder discussions were presented to the Advisory Commission on Special Education ("ACSE") in October 2014.³ ACSE recommended SBE approve the SPP for the year 2013-2014, which was presented to and approved unanimously by SBE at its November 2014 meeting.⁴ After CDE submitted the SPP for the year 2013-2014 to OSEP in February 2015,⁵ CDE received a letter from OSEP in June 2015 approving the State's SPP for the year 2013-2014, a copy of which is attached hereto as **Attachment G**.

B. An Integrated Accountability System

The State has recently developed an integrated student accountability system based on recently passed federal and state legislation. The federal Every Student Succeeds Act ("ESSA"), which was signed into law in 2015, required states to have a new multiple measures accountability system in effect by the 2017-2018 school year.⁶ Similarly, California's Local Control Funding Formula ("LCFF") legislation made a shift from a complex school finance system to one focused on equity, transparency, and performance. Under the LCFF, LEAs now receive funding based on the demographic profile of the students they serve and are expected to meet enhanced accountability requirements and improve student performance.⁷ Specifically, California requires eight

² OSEP extended the duration of the last SPP cycle so that it was in effect for more than six years. See, e.g., **Attachments B, C, and D**.

³ See <https://www.cde.ca.gov/sp/se/as/acseag1014.asp>. ACSE is an advisory body required by federal (see 20 U.S.C. 1412[a][21]) and state statutes (Ed. Code sections 33590-6). ACSE provides recommendations and advice to the California State Board of Education ("SBE"), the State Superintendent of Public Instruction, the Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in California special education in California. See <https://www.cde.ca.gov/sp/se/as/acse.asp>.

⁴ See <https://www.cde.ca.gov/be/ag/ag/yr14/agenda201411.asp>. See also **Attachments E and F**.

⁵ See <https://osep.grads360.org/#report/apr/2013B/publicView?state=CA&ispublic=true>.

⁶ See, e.g., 20 U.S.C. § 6301 *et seq.*

⁷ See <https://www.cde.ca.gov/nr/el/le/yr13ltr0807.asp>.

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priority areas⁸ that LEAs must address in their Local Control and Accountability Plan ("LCAP").⁹ The LCAP is the tool for LEAs to set goals, plan actions, and leverage resources to meet those goals to improve student outcomes.¹⁰

Rather than developing separate state and federal accountability systems, the State has developed an integrated local, state, and federal accountability and continuous improvement system founded on the LCFF priority areas that also aligns to ESSA requirements, known as the California School Dashboard ("Dashboard").¹¹ The Dashboard is an online tool that shows how LEAs and schools¹² are performing on the state and local indicators included in California's integrated accountability system. All LEAs receive accountability results within the Dashboard.

The Dashboard is comprised of reports that show LEA performance on six state indicators and four local indicators (six for county offices of education). Users can search to see the reports for any local educational agency or school. The State measures performance on two factors: current year results (Status) and whether results improved from the prior year (Change). Performance on state measures, using comparable statewide data, is represented by one of five colors. From highest to lowest the performance levels are: Blue, Green, Yellow, Orange, and Red. The five color-coded performance levels are calculated using percentiles to create a five-by-five colored table (giving 25 results) that combine Status and Change.

Based on their performance on state and local measures, schools and LEAs may be identified for support to improve student outcomes.

CDE regularly obtains feedback from stakeholder groups on the ongoing development of the Dashboard. From September through mid-October 2018, CDE presented at various statewide, regional, and local conferences/meetings with approximately 1,900 attendees providing information on the proposed revisions to the state indicators for the Dashboard.¹³

1. The Use of SPP Indicators in Monitoring

The SPP indicators and calculation methodologies set by OSEP as well as the targets set with input by multiple stakeholders as described above, allow CDE to (1) measure an LEA's success in implementing the IDEA's provisions and (2) identify an LEA's

⁸ There are eight priority areas for school districts and charter schools, and ten priority areas for county offices of education.

⁹ See <https://www.cde.ca.gov/fg/aa/lc/statepriorityresources.asp>; see also Cal. Educ. Code § 52060.

¹⁰ See <https://www.cde.ca.gov/re/lc/>.

¹¹ See <https://www.caschooldashboard.org/>.

¹² All LEAs and traditional schools, including charter schools, will receive accountability results reported within their Dashboard.

¹³ See <https://www.cde.ca.gov/be/ag/ag/yr18/documents/sep18item01.docx>.

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compliance with provisions that are fundamental to providing a free and appropriate public education ("FAPE"). Given each student's unique needs, determining whether an LEA has adequately provided FAPE cannot be neatly quantified, as it is an individual entitlement hinging on several critical variables. However, the collective data LEAs submit to the State, and CDE's analysis of that data, assist CDE in determining how to further evaluate particular LEAs. For example, the data calculations can meaningfully inform CDE of areas where LEAs require support in the following ways:

- High rates of suspension and expulsion may indicate a system of inadequate supports for students with or without disabilities. This may indicate insufficient supports written into IEPs or a lack of training and/or positive interventions available in general education.
- Inadequate participation and proficiency on statewide assessments for students with disabilities may indicate lack of educational benefit and/or access for some students, which are essential to ensure FAPE.

When used collectively, the SPP federal indicators and the accompanying calculation methodologies are sufficient to measure the performance and compliance of LEAs implementing the provisions of IDEA and provides an adequate, reasonable basis to screen all LEAs.

CDE will also use the Dashboard indicators for monitoring in instances of overlap. CDE will continue to use the SPP indicator calculation methodology for the mandated federal reporting. For purposes of selection for further monitoring activities, calculations for Graduation rate,¹⁴ Assessment Performance, and Suspension and Expulsion will align to the Dashboard's accountability requirements and calculations to make the selection process more consistent and streamlined. Because stakeholders—including LEAs, SELPAs and members of the public—found the use of different outcome measures for the statewide accountability system and the special education monitoring system to be confusing and counter-productive, SBE approved the integration of these indicators in March 2018 after the opportunity for stakeholder and public comment was provided.¹⁵

The use of these methodologies for selection for further monitoring activities improves the outcomes of students with disabilities in multiple ways. First, the Dashboard calculation methodologies are more rigorous than the SPP indicator calculation methodologies because the Dashboard takes into account both the current year results and the LEA's results from the previous year. Data used for the Dashboard is more timely than the SPP indicators which may lag one or two years behind, depending on the indicator. Second, using the same methodologies as the statewide accountability system ensures that performance of students with disabilities is not siloed, but

¹⁴ Because this case is focused on students in grades kindergarten through eighth grade, graduation rates—which apply to high school students—are outside the scope of this case.

¹⁵ See <https://www.cde.ca.gov/be/ag/ag/yr18/agenda201803.asp>.

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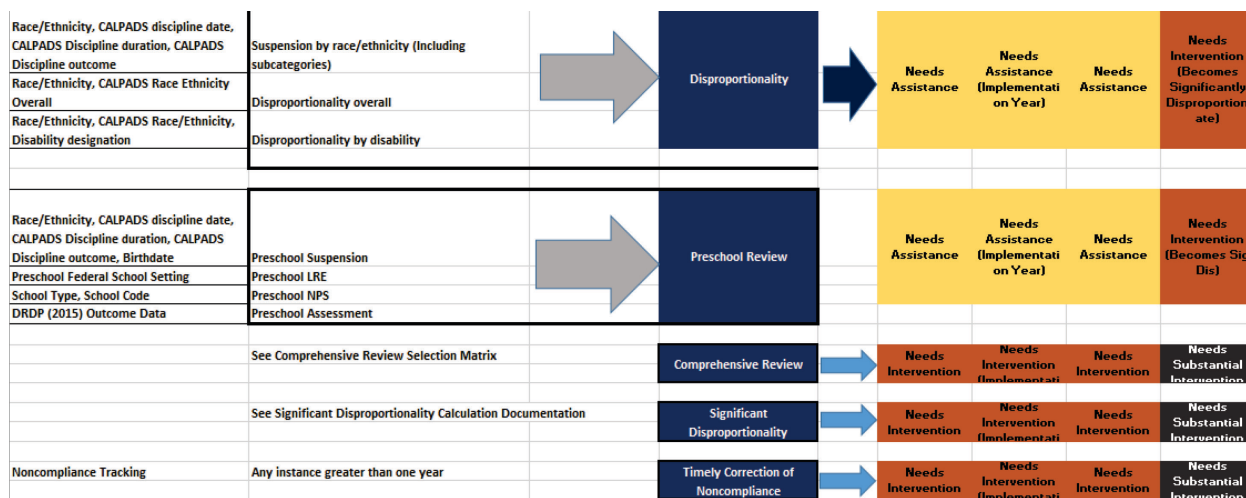
examined along with the data for all students. Finally, the performance of students with disabilities in an LEA can be identified and supported by CDE's Special Education Division prior to an LEA becoming eligible for differentiated assistance under the statewide accountability system. These methodologies allow CDE's monitoring system to act as an early warning system to identify and treat LEAs that are beginning to show signs of underperformance before their performance appears in the most severe category on the Dashboard. For example, if an LEA is identified as "Red" (the lowest performance level) for the suspension indicator alone for the student with disabilities student group, CDE can assist the LEA through its monitoring processes to address the root cause of the problem before the LEA falls into the "Red" performance level for other indicators such as achievement that would cause the LEA to be identified for differentiated assistance in the State's accountability system.

2. The Use of Data in Monitoring

The following table illustrates the relationship between data analyses, the related further monitoring activities, and an LEA's annual determination:

Data Elements Used in Data Analysis	Data Analysis Used to Determine Inclusion in Monitoring Activity	Monitoring Activity	Year 1	Year 2	Year 3	Year 4
	All Data	Not involved in any activities below	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Parent Consent Date, Initial Evaluation Date, Evaluation Delay	60 Day Timeline greater than 60 days	Data Identified Non Compliance	Needs Assistance	Needs Assistance (Implementation Year)	Needs Assistance	Needs Intervention
Birthdate, Initial Evaluation	C to B Transition					
Birthdate, Transition Elements 1-8	Transition Elements					
Plan Type, IEP date	Timely IEPs					
Last IEP, Report Date, IEP Delay	Timely Triennials					
Birthdate, CALPADS Exit Date, CALPADS Exit Reason	Dashboard Graduation Rate for SWD Student Group	Performance Indicator Review	Needs Assistance	Needs Assistance (Implementation Year)	Needs Assistance	Needs Intervention
Birthdate, CASEMIS Exit Date, CASEMIS Exit Date	Dropout					
Race/Ethnicity, CALPADS discipline date, CALPADS discipline duration, CALPADS discipline outcome	Dashboard Suspension for SWD Student Group					
Plan Type, Federal School Setting, Percent of Time in Regular Class	Percent of students in regular class greater than 80%					
Plan Type, Federal School Setting, Percent of Time in Regular Class	Percent of students in regular class less than 40%					
Plan Type, Federal School Setting	Percent of students in separate settings					
Parent Input	Parent Involvement					
IDEA Indicator, Record Type, Condition Code (CAASPP)	Assessment participation					
IDEA Indicator, Record Type, Condition Code, Achievement Level (CAASPP)	Dashboard Proficiency for SWD Student Group					
Parent Consent Date, Initial Evaluation Date, Evaluation Delay, Plan type, Enrollment	Child Find					
Exit Date, Exit Reason, Post school Employment, Post school Education	Post-school outcomes					

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Put another way, if data analyses demonstrate that an LEA meets all compliance and performance indicator targets, the LEA receives a “meets requirements” annual determination and no further monitoring activities are required for that LEA. LEAs that receive a “meets requirements” annual determination still have access to all resources available and may request additional assistance at any time.

As discussed in Section IV, below, the extensive data analyses performed by CDE on an annual basis provides a sufficient and adequate measure of performance and compliance for each LEA, specifically for those LEAs for whom CDE issues a “Meets Requirements” annual determination.¹⁶

If CDE’s analyses indicate that the LEA did not meet the compliance and/or performance targets, that LEA is selected for a monitoring activity. The specific monitoring activity is determined based on the area(s) of need illuminated by those targets the LEA failed to meet. LEAs selected for either a targeted or intensive review receive a “Needs Assistance” or “Needs Intervention” annual determination.

The targeted monitoring activities¹⁷ performed by CDE are:

- Data Identified Noncompliance (“DINC”)
- Disproportionality Review (“DR”)
- Performance Indicator Review (“PIR”)

¹⁶ The annual determination process and enforcement activities will be further addressed in Phase 3.

¹⁷ In addition to the aforementioned targeted monitoring activities, CDE will enhance the Performance Indicator Review monitoring activity to include Child Find and Restraint and Seclusion, and enhance the Data Identified Noncompliance Review to include Timeliness of Due Process Resolution Sessions.

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If an LEA's annual data collection and CDE's analyses indicate that the LEA did not meet the compliance and/or performance targets for multiple indicators or did not meet a specific target for more than three consecutive years, the LEA is selected for an intensive monitoring activity. These LEAs will receive a "Needs Intervention" or "Needs Significant Intervention" annual determination. The intensive monitoring activities performed by CDE under these circumstances are:

- Comprehensive Review ("CR")
- Preschool Activity
- Significantly Disproportionality Review

Generally, intensive monitoring is limited to those LEAs with the most significant compliance and performance issues. LEAs may continue to participate in targeted monitoring activities, in addition to receiving enhanced, comprehensive assistance via intensive monitoring activities.

II. Data Calculations

A. FAPE in the LRE

To monitor LEAs for the provision of Free and Appropriate Public Education ("FAPE") in the Least Restrictive Environment ("LRE"), CDE currently uses data collected for the following indicators:

- Indicators 5 and 6 – Placement in Least Restrictive Environment ages 6 through 21 and 3 through 5
- Indicators 4a and 4b – School Discipline
- Indicator 3b – Assessment Participation
- Indicator 3c – Assessment Proficiency
- Indicators 7a through 7c – Preschool Assessment Proficiency
- Timely IEPs and Triennials

Additionally, the State will use new data collections and proposed methodologies for the following areas to monitor FAPE in the LRE:

- IEP Implementation
- Parent Input
- Restraint and Seclusion
- Child Find

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1. Placement in a Regular Education Program (Indicators 5 and 6)

Under federal law, “[e]ach public agency must ensure that - (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”¹⁸

Ensuring that students with disabilities are educated in their Least Restrictive Environment (“LRE”) is the cornerstone of a free and appropriate public education. As such, the State addresses LRE in a number of monitoring activities, including Performance Indicator Review, Preschool Monitoring, Disproportionality Review and Comprehensive Review. CDE uses the SPP indicators, including those related to LRE, to identify LEAs for additional monitoring activities.

The SPP indicator data assist CDE in determining whether students with disabilities are being educated in the LRE. CDE obtains data that may indicate that the placement of a child, in any setting, was appropriately made by an IEP team taking into account the individual needs of the child and considering opportunities to be educated with their non-disabled peers to the maximum extent possible.

CDE uses the same data and calculation methodologies for both SPP federal reporting (Indicators 5 and 6) and selection for further monitoring activities. CDE monitors two age groups: students aged 6 through 21 and students aged 3 through 5. As each age group has unique calculations and data elements which are used differently, CDE describes the analyses and selection for further monitoring activities based on student ages.

a. *Children ages 6 through 21*

Indicator 5 is a performance indicator that measures the percentage of students with disabilities, ages 6 through 21, served inside the regular classroom for at least 80 percent of the day; inside the regular classroom less than 40 percent of the day; and served in public or private separate schools, residential facilities, or homebound/hospital placement.

The specific data elements CDE uses for calculating least restrictive environment are A-44, Federal Program setting for school age children, and A-45, Percent of time the student is inside the general education environment. Every December via CASEMIS, LEAs are required to report as to students’ Federal Program Setting with one of the

¹⁸ See 34 CFR § 300.114 (a)(2)(i)-(ii)

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code options below, as well as the percentage of instructional time in the general education environment:

A-44 Federal Program Setting Code Set		A-45 Percent of Time in Regular Classroom
400	Regular classroom/public day school	The number of hours the student spends inside the regular classroom divided by the total number of hours in the school day. Multiply the result by 100.
450	Separate School	
460	Residential facility	
470	Homebound/Hospital	
480	Correctional facility	
490	Parentally placed in private school	
500	Home schooled per IEP/Independent study charter school/Virtual charter school	

The State's annual data collection in the December unduplicated pupil collection is then used to calculate a rate to measure an LEA's performance in this area.

AGGREGATION 1: Students with disabilities in regular classrooms by percent of day in regular classroom setting (A-44, Code 400)

- **Calculated Rate 1: Rate of students in regular education greater than 80% of the day.** Take number of children in a regular classroom/public day school (A-44, Code 400) who are in a regular class greater than 80% of day (A-45) and divide by the total number of students with disabilities ages 6 through 21 in the LEA. Multiply the result by 100.
- **Calculated Rate 2: Rate of students in regular education less than 40% of the day.** Take the number of children in a regular classroom/public day school (A-44, Code 400) less than 40 % of the school day (A-45) and divide by the total number of students with disabilities ages 6 through 21 in the LEA. Multiply the result by 100.

AGGREGATION 2: Students with disabilities in separate placements by percent of day in regular classroom setting (A-44, Codes 450, 460 and 470)

- **Calculated Rate 4: Rate of students in separate placements.** Take total number of students with disabilities ages 6 through 21 in separate placements (A-44, Codes 450, 460 and 470) and divide by the total number of students with disabilities ages 6 through 21 in the LEA. Multiply the result by 100.

The calculated rates are compared to the statewide target (set by the previously mentioned stakeholders) for students with disabilities in each measurement:

Measurement	Targets for 2017-2018
In regular education greater than 80% of the day	Must be greater than or equal to 51.20%

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Measurement	Targets for 2017-2018
In regular education less than 40% of the day	Must be lower than or equal to 22.60%
In a separate setting	Must be lower than or equal to 4.00%

CDE selects LEAs whose total rate is below the target, in any of the aforementioned categories, for monitoring in one of the following reviews:

- Performance Indicator Review
- Comprehensive Review¹⁹

b. Children ages 3 through 5

Indicator 6 is a performance indicator that measures the percentage of children with disabilities ages 3 through 5 years, attending a regular early childhood program and receiving the majority of special education and related service in the regular early childhood program; as well as children with disabilities attending a separate special education class, separate school, or residential facility.²⁰

The specific data element used for calculating LRE in the preschool setting is A-43, the federal program setting for preschool services. In each CASEMIS December submission, students are reported with one of the following Federal Program Setting code options as well as the percent of instructional time in the general education environment:

A-43 Federal Program Setting Code Set	
400	Regular early childhood program or kindergarten, ten or more hours per week, the majority of special education services provided in the regular early childhood program or kindergarten
405	Regular early childhood program or kindergarten, ten or more hours per week, the majority of special education services provided in some other location than the regular early childhood program or kindergarten
410	Regular early childhood program or kindergarten, less than ten hours per week, the majority of special education services provided in the regular early childhood program or kindergarten
415	Regular early childhood program or kindergarten, less than ten hours per week, the majority of special education services provided in some other location than the regular early childhood program or kindergarten

¹⁹ The model CDE uses to select LEAs for Comprehensive Review is attached hereto as **Attachment H**.

²⁰ See 20 U.S.C. § 1416(a)(3)(A).

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A-43 Federal Program Setting Code Set	
440	Separate class
450	Separate school
460	Residential facility
470	Home
475	Service provider location

CDE then uses the State's annual data collection, from the December unduplicated pupil collection, to calculate a rate to measure an LEA's performance in this area.

AGGREGATION 1: Students with disabilities in regular early childhood programs or kindergarten, ten or more hours per week, and the majority of special education services are provided in the regular early childhood programs or kindergarten (A-43, Code 400)

AGGREGATION 2: Students with disabilities in regular early childhood programs or kindergarten, ten or more hours per week, and the majority of special education services are provided in a location other than regular early childhood programs or kindergarten (A-43, Code 405)

AGGREGATION 3: Students with disabilities in regular early childhood programs or kindergarten, less than ten hours per week, and the majority of special education services are provided in the regular early childhood programs or kindergarten (A-43, Code 410)

AGGREGATION 4: Students with disabilities in regular early childhood programs or kindergarten, less than ten hours per week, and the majority of special education services are provided in a location other than the regular early childhood programs or kindergarten (A-43, Code 415)

- **Calculated Rate 1: Rate of students in regular early childhood programs.**
Take the total number of students with disabilities ages 3 through 5 in a regular program (A-43, Codes 400, 405, 410 and 415) and divide by the total number of students with disabilities ages 3 through 5 in the LEA. Multiply the result by 100.

AGGREGATION 5: Student with disabilities in separate classes, separate schools and residential facilities (A-43, Codes 440, 450, and 460)

- **Calculated Rate 2: Rate of students in a separate schools/programs.²¹**
Take the total number of students with disabilities ages 3 through 5 in a regular programs (A-43, Codes 440, 450, and 460) and divide by the total number of

²¹ CDE also calculates and reports to OSEP the number of children ages 3 through 5 provided services in home and at the service provider location. However, that data is not used in the selection for monitoring activities.

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students with disabilities ages 3 through 5 in the LEA. Multiply the result by 100.²²

The calculated rates are compared to the statewide target for students with disabilities in each measurement:

Measurement	Targets for 2017-2018
In regular early childhood program	Must be greater than 33.90%
In a separate setting or classroom	Must be lower than 32.40%

CDE selects LEAs whose total rate is below the target in any of the aforementioned categories for monitoring in one of the following reviews:

- Performance Indicator Review
- Preschool Review
- Comprehensive Review

Attachment K includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year.

B. Student Discipline – Suspension and Expulsion (Indicators 4a, 4b, and Dashboard)

The SPP indicator data on suspensions assist CDE in determining whether students with disabilities are being educated in the least restrictive environment and are not removed from the least restrictive environment due to lack of appropriate modifications or behavioral services.

CDE uses the same data for calculating both SPP federal reporting (Indicator 4) and selection for further monitoring activities, but employs different calculation methodologies based on the SPP indicator measures or the Dashboard, as explained above.²³

²² **Attachments I and J** are samples of the algorithm, i.e., required computer coding, CDE uses to perform these analyses for each LEA and for all students in California, with explanatory annotations. CDE can provide sample algorithms for all indicators described herein.

²³ See Section I.B, *supra*.

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STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT**1. Federal Reporting**

Indicator 4 is an indicator which contains two measurements for performance (4a) and compliance (4b). Indicator 4a measures the percentage of LEAs that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities.²⁴ An LEA is considered to have a significant discrepancy if the district-wide rate for suspension and expulsion exceeds the statewide rate for suspension and expulsion. Indicator 4b measures the percentage of LEAs that have: (1) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities; and (2) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards

The specific data elements used to determine an LEA's rate of suspensions of greater than 10 days are A32 – Education Plan Type from CASEMIS, and 4.18 – Incident Disciplinary Action Taken Code and 4.20 – Incident Disciplinary Action Duration Days from CALPADS.

A-32 Education Plan Type (CASEMIS)	4.18 – Incident Disciplinary Action Taken Code (CALPADS)	4.20 – Incident Disciplinary Action Duration Days (CALPADS)
Type of education plan for special education services 10 – IEP 20 – Individual Service Program (“ISP”) ²⁵ 70 - Eligible: no Individual Education program, Individual Family Services Plan (“IFSP”) ²⁶ , or Individual Service Plan, Parentally placed in private school (student does not need services to be provided using proportionate share or parent declines offer	100 Suspension 110 In-School Suspension 200 Expulsion 300 No Suspension or Expulsion	The length of time, in school days, that a Disciplinary Action for a student for a specific incident lasted.

²⁴ See 20 U.S.C. § 1416(a)(3)(A) & 1412(a)(22).

²⁵ An Individual Service Program is for students eligible for IDEA who attend private schools and have chosen to not access services offered in the IEP.

²⁶ An Individual Family Service Plan is for children eligible for services under IDEA Part C and are ages 0 through 2.

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A-32 Education Plan Type (CASEMIS)	4.18 – Incident Disciplinary Action Taken Code (CALPADS)	4.20 – Incident Disciplinary Action Duration Days (CALPADS)
of services to be provided via proportionate share) 80 - Eligible: no IEP, IFSP, or ISP, other reasons or no services delivered.		

CDE then uses the State's annual data collection, from the December unduplicated pupil collection, to calculate a rate to measure an LEA's performance in this area.

AGGREGATION 1: CDE aggregates Education Plan Type (CASEMIS A-32) to determine the number of students eligible for an IEP, by LEA.

AGGREGATION 2: CDE aggregates the final Incident Disciplinary Action Taken Code (CALPADS 4.18) taken against the student for a specific incident.

AGGREGATION 3: CDE aggregates the duration in school days for a Disciplinary Action for a student for a specific incident (CALPADS 4.18).

- **Calculated Rate 1: Rate of students Suspended or Expelled Greater Than 10 days.** Take the total number of students with disabilities with suspension or expulsion days greater than 10 cumulative days and divide by the number of students with disabilities in the LEA. Multiply the result by 100.

CDE compares the calculated rates to the statewide target for students with disabilities:

Measurement	Targets for 2017-2018
Rate of Students Suspended or Expelled Greater than 10 days	Must be less than 10%
Significant Discrepancy by Race/Ethnicity in Rate of Suspension and Expulsion Greater than 10 days	0%

For the 2017-18 school year, CDE selected LEAs whose total rate is did not meet the target for any of the aforementioned categories for monitoring in one of the following reviews:

- Performance Indicator Review
- Comprehensive Review

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Attachment K includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year.

2. Dashboard Analysis for Suspension

CDE used the SPP calculation methodology set forth above to select LEAs for participation in the Performance Indicator Review and Comprehensive Review for the 2017-18 school year. However, for the school year 2018-2019, CDE will use the Dashboard calculation methodology to select LEAs for selection for further monitoring activities and to meet the requirements of 34 CFR § 300.600(d).²⁷ That methodology is described as follows.

All LEAs and schools with 30 or more students who are cumulatively enrolled²⁸ in kindergarten through grade twelve in both the current and prior school year receive results for this indicator in the Dashboard. CDE uses the suspension data that LEAs and schools submit to CALPADS annually.²⁹

Calculation Formula for Status: For the Dashboard, the suspension rate calculations for Status for this indicator are based on the number of students suspended within the 2017-18 school year.

- **Calculated Rate 1: Rate of students suspended.** Take the total number of Students Suspended divided by Cumulative Enrollment. Multiply the result by 100.

Calculation Formula for Change: For the Dashboard, the calculation for Change based on prior year is based on data from the current and prior year. This is calculated by taking the 2017-18 suspension rate and subtracting the 2016-17 suspension rate.

Determination of Cut Scores³⁰ for Dashboard Color (Performance Level)

Multiple data simulations revealed that suspension data vary widely by LEA type (elementary, high, and unified) and school type (elementary, middle, and high). For

²⁷ Suspension and expulsion data is also analyzed under disproportionality. The methods and analyses used for disproportionality are explained in section F of this document.

²⁸ Cumulative enrollment is determined by the total number of students who, at any time during the school year, enrolled in a school. By way of further explanation, a student that enrolls in a school on March 7th and transfers out of the school on March 10th would be counted as part of the school's cumulative enrollment.

²⁹ If a student is suspended for more than one event in a given year then that student is only counted once in the calculation.

³⁰ SBE approved the Academic Indicator grades 3 through 8 in January 2017. See <https://www.cde.ca.gov/be/ag/ag/main201701.asp>. SBE approved the Suspension Indicator in September 2016. See <https://www.cde.ca.gov/be/ag/ag/main201609.asp>.

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example, suspension rates were higher at the middle school level than at the elementary school level. Therefore, unlike other state indicators, which use only LEA-level distributions to set the cut scores for Status and Change, the Suspension Rate Indicator uses both LEA-level and school-level distributions.

The suspension cut scores are set based on LEA and school type. This results in six different sets of cut scores for Status and Change:

- Three sets based on LEA type distributions
- Three sets based on school type distributions

Having six different sets of cut scores results in six different five-by-five colored tables. See Appendix A of the California School Dashboard Technical Guide, included herewith as **Attachment L**.³¹

The following example demonstrates how the Dashboard is used to identify an LEA's performance level on this indicator. By way of example, if an LEA's suspension rate for the 2017-18 school year is 4.0%, which would be the LEA's "Status" for this Indicator. If that same LEA's 2016-17 suspension rate was 5.6%, that LEA's "Change" would be calculated as -1.6% (4.0% minus 5.6%). As to "Performance Level," that LEA made considerable progress over the previous year, reducing its suspension rate by 1.6%; however, that current 4% suspension rate is still considered high. Thus, the LEA will receive a "Yellow" performance level, as illustrated in the figure below:



To receive a "Green" performance level for the 2019 Dashboard, the LEA will need to reduce their suspension rates to 3.0% or lower. To maintain the "Yellow" performance level for the 2019 Dashboard, the LEA will need to reduce their suspension rate by at least 0.3%, as illustrated in the table below.

³¹ Also accessible at

<https://www.cde.ca.gov/ta/ac/cm/documents/dashboardguide18.pdf>. Appendix A of **Attachment L** also includes the statewide distributions used to set the cut scores and the five-by-five colored tables for this indicator.

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Performance Level	Increased Significantly from Prior Year (by greater than 2.0%)	Increased from Prior Year (by 0.3% to 2.0%)	Maintained from Prior Year (declined or increased by less than 0.3%)	Declined from Prior Year (by 0.3% to less than 1.0%)	Declined Significantly from Prior Year (by 1.0% or greater)
Very Low 0.5% or less	N/A	Green	Blue	Blue	Blue
Low Greater than 0.5% to 1.0%	N/A	Yellow	Green	Green	Blue
Medium Greater than 1.0% to 3.0%	Orange	Orange	Yellow	Green	Green
High Greater than 3.0% to 6.0%	Red	Orange	Orange	Yellow	Yellow
Very High Greater than 6.0%	Red	Red	Red	Orange	Yellow

CDE selects LEAs that receive either a Red or Orange performance level on the Dashboard for monitoring for Performance Indicator Review. Additionally, the Dashboard indicators are a factor in CDE's selection of LEAs for Comprehensive Review. **Attachment M** includes a list of LEAs CDE has preliminarily selected for either of these reviews.

C. Participation in Assessments (Indicator 3b)

3. Federal Reporting Requirements

Under federal law, states are required to ensure that all children with disabilities are included in all general State and district-wide assessment programs, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs.³²

a. *Participation in Assessment for Mathematics*

CDE measures participation in assessment to meet both the federal reporting requirements and selection for further monitoring activities. CDE uses data for students with disabilities in grades 3-8 and grade 11 who take the statewide assessment

³² See 34 CFR § 300.160.

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California Assessment of Student Performance and Progress (CAASPP) or the California Alternate Assessment, to calculate performance on this indicator.

AGGREGATION 1:

The data is taken from fields of the CAASPP file layout.³³ The students who are marked 'Yes' in the file layout field #17, 'IDEA indicator', are used for CDE's analysis. This field indicates the students that have IEPs at the time of the test. Using the record type (CAASPP field number 1), CDE then identifies students who took the Smarter Balanced Summative Assessment for Mathematics (Record Type Code 02) and the students who took the California Alternative Assessment for Mathematics (Record Type Code 04). Students who took the Mathematics assessment and have the code 'NTE' in the Condition Code Field (CAASPP field number 85) are excluded, as this field identifies students who were medically exempt or English language learners enrolled in a school for fewer than 12 months.

- **Calculation 1: Rate of Participation for Students with Disabilities in the Mathematics Assessment.** Take Students who have a Record Type Code of 02 or 04, divide by the number of students in the file who are marked "Yes" for IDEA in field #17.

b. *Participation in Assessment for English Language Arts*

AGGREGATION 1:

The data is taken from fields of the CAASPP file layout. The students who are marked 'Yes' in the file layout field #17, 'IDEA indicator', are used for CDE's analysis. This field indicates the students that have IEPs at the time of the test. Using the record type (CAASPP field number 1), CDE then identifies students who took the Smarter Balanced Summative Assessment for English Language Arts (Record Type Code 01) and the students who took the California Alternative Assessment for English Language Arts (Record Type Code 03). Students who took the English Language Arts assessment and have the code 'NTE' in the Condition Code Field (CAASPP field number 85) are excluded, as this field identifies students who were medically exempt or English language learners enrolled in a school for fewer than 12 months.

- **Calculation 1: Rate of Participation for Students with Disabilities in the English Language Arts Assessment.** Take Students who have a Record Type Code of 01 or 03, divide by the number of students in the file who are marked "Yes" for IDEA in field #17.

³³ The fields in CAASPP file layout are located at http://www.caaspp.org/rsc/pdfs/CAASPP.student_data_layout.2018.pdf.

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STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT**c. Selection for Further Monitoring Activities**

CDE compares the calculated rates are compared to the statewide target for students with disabilities:

Measurement	Targets for 2017-2018
Participation Rate for Math and ELA	95%

CDE selects LEAs whose total rate is below the target for any of the aforementioned categories for monitoring in one of the following reviews:

- Performance Indicator Review
- Comprehensive Review

Attachment K includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year.

D. Performance on Assessments (Indicator 3c)**1. Assessments for grades 3-8 and grade 11**

34 C.F.R. 200.2 requires that each State implement valid, reliable, and fair annual assessments that are the same for all students in the State. The assessments must measure student performance based on State academic achievement standards that are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

CDE analyzes and reports assessment performance in a number of ways by CDE for both federal reporting purposes and selection for further monitoring activities. CDE uses the California Assessment of Student Performance and Progress (CAASPP) or the California Alternate Assessment (CAA), based on the IEP team's determination. Students are assessed using a computer-based assessment that provides a score with four ranges: Level 1-Standards Not Met, Level 2-Standards Nearly Met, Level 3-Standards Met,³⁴ and Level 4-Standards Exceeded. CDE analyzes the data to determine the rate of students who Met or Exceeded Standards.

- **Calculation 1: Rate of Performance.** Take the number of students who met or exceeded standards and divide by the number of students with disabilities who took the test.

³⁴ "Level 3-Standards Met" refers to the "Standard" discussion below regarding "Distance from Standard."

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CDE compares the calculated rates to the statewide target for students with disabilities:

Category	Targets for 2017-2018
Rate of Students Meeting or Exceeding Standards in English Language Arts	Must be greater than 14.90%
Rate of Students Meeting or Exceeding Standards in Mathematics	Must be greater than 12.60%

2. Dashboard Analysis for Academic Achievement³⁵

CDE used the SPP calculation methodology set forth above to select LEAs for participation in the Performance Indicator Review and Comprehensive Review for the 2017-18 school year. However, for the 2018-19 school year, CDE will use the Dashboard calculation methodology to select LEAs for further monitoring activities to meet the requirements of 34 CFR § 300.600(d), which methodology is described as follows.

a. *Distance from Standard*

Distance from Standard (“DFS”) represents the distance between a student’s score on the Smarter Balanced Summative Assessments and Level 3-Standard Met. The ranges for the Smarter Balanced Summative Assessments vary by content area, i.e., Mathematics and English Language Assessment. The calculation for the Academic Indicator³⁶ uses all available scale scores³⁷ to provide a more precise measure of an LEA’s and school’s status and progress. Each student’s DFS is calculated separately, which is then combined with the DFS for each student to determine an average. The average distance is calculated for each LEA, school, and student group. These results will show the extent to which the average student score falls short of, or exceeds, the Level 3- Standard Met threshold.

Because the scale score ranges for each performance level differ for each grade level, each student’s ELA and mathematics scores must be compared against the Level 3- Standard Met scale score for each grade. For example, in grade five, the scale scores for ELA range from 2,201 to 2,701, and the scale scores for mathematics range from

³⁵ “Academic Achievement” is the Dashboard term that refers to Performance on Assessments.

³⁶ The Academic Indicator is based on the Smarter Balanced Summative Assessment English Language Arts and Mathematics results and applies to LEAs and schools with grades 3-8 and grade 11.

³⁷ Each student taking the assessment is given a score based on their answers to their summative grade-level assessment. A range of scale scores is used to determine the levels for each assessment in each grade.

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2,219 to 2,700. Within each range, there are four distinct achievement levels, illustrated in the table below:

Achievement Levels	Level 1: Standard Not Met	Level 2: Standard Nearly Met	Level 3: Standard Met	Level 4: Standard Exceeded
ELA Scale Score Ranges	2201–2441	2442–2501	2502–2581	2582–2701
Math Scale Score Ranges	2,219–2,454	2,455–2,527	2,528–2,578	2,579–2,700

Students who have a record in the CAASPP file but do not have a scale score result will automatically be assigned the minimum scale score for their grade level. This means that the student will be assigned the lowest score at Level 1-Standard Not Met. For example, a student in grade five who did not have a scale score for mathematics will automatically be assigned 2,219, the lowest possible mathematics score for that grade, as shown in the table above. In addition, if the LEA did not meet the participation goal of 95%, the LEA's DFS will be reduced.

- **Calculation 1: Status for Achievement**

- **Step 1: Calculate Distance from Standard for LEAs.** Take the sum of the Distance from Standard on the 2018 Smarter Balanced Summative Assessments for all students (either grades 3-8 or grades 3-8 and 11), and divide by the total number of number of 2018 Smarter Balanced Summative Assessments test takers (either grades 3-8 or grades 3-8 and 11).
- **Step 2: Calculate any Participation Rate Reduction.** If an LEA falls short of the 95% participation rate target, take the difference between the LEA, school, or student group's participation rate percentage and 95%, and multiple that figure by 0.25.
- **Step 3: Calculate Status for LEAs.** Subtract Step 2 (Participation Rate Reduction) from Step 1 (Distance from Standard).

- **Calculation 2: Change.** Take the 2018 Status and subtract the 2017 Status.

The following example demonstrates how the Dashboard is used to identify an LEA's performance level on this indicator. By way of example, if an LEA's DFS for the 2017-18 school year is 11.45 points, that is the LEA's "Status" for this Indicator. If that same LEA's 2016-17 DFS was 8.45 points, that LEA's "Change" would be calculated as a 3-point increase. As to "Performance Level," that LEA made considerable progress over

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the previous year, by increasing its DFS by 3 points. Thus, the LEA will receive a "Green" performance level, as illustrated in the figure below and at page 66 in **Attachment L**.



To receive a "Blue" performance level for the 2019 Dashboard, the LEA will need to increase its DFS by 15 points or more. To maintain the "Green" performance level for the 2019 Dashboard, the LEA will need to maintain their DFS (declined by fewer than 3 points) or increase their DFS (by at least 3 points), as illustrated in the table below.

Performance Level	Declined Significantly from Prior Year (by more than 15 points)	Declined from Prior Year (by 3 to 15 points)	Maintained from Prior Year (declined by less than 3 points or increased by less than 3 points)	Increased from Prior Year (by 3 to less than 15 points)	Increased Significantly from Prior Year (by 15 points or more)
Very High +45 points or higher in Current Year	Green	Green	Blue	Blue	Blue
High +10 to +44.9 points in Current Year	Green	Green	Green	Green	Blue
Medium -5 points to +9.9 points in Current Year	Yellow	Yellow	Yellow	Green	Green
Low -5.1 to -70 points in Current Year	Orange	Orange	Orange	Yellow	Yellow
Very Low -70.1 points or lower in Current Year	Red	Red	Red	Orange	Orange

b. Selection for Further Monitoring Activities

CDE selects LEAs that receive either a Red or Orange performance level on the Dashboard for monitoring for Performance Indicator Review. Additionally, the Dashboard indicators are a factor in CDE's selection of LEAs for Comprehensive Review. **Attachment M** includes a list of LEAs CDE has preliminarily selected for either of these reviews.

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E. Assessment measures for preschool students (Indicators 7a, 7b, & 7c)

Under federal law, a State must ensure that all children with disabilities are included in all general and statewide assessments.³⁸ CDE uses Desired Results Developmental Profile ("DRDP") data to measure progress for children with disabilities ages 3 through 5.

The DRDP is an assessment instrument that teachers use to gather information to help support children's learning and development. As of fall 2015, CDE has been using a newer version, the DRDP (2015), with all children in public school programs from birth to kindergarten entry, including infants and toddlers with Individualized Family Service Plans ("IFSPs") and preschool-age children with IEPs. The child's teacher completes the DRDP (2015) twice per year. Teachers observe children as they spend time with adults and other children during typical days, whether at home, in childcare, or at a preschool, and then use their observations to complete a number of items on the DRDP (2015).

CDE uses the calculation methodology in the SPP Indicator 7: Preschool Outcomes. Indicator 7 is a performance indicator that encompasses three outcome areas:

- Outcome 1 (7a): Positive social relationships, which includes getting along with other children and relating well with adults;
- Outcome 2 (7b): Acquisition and use of knowledge and skills, which refers to thinking, reasoning, problem-solving, and early literacy and math skills; and,
- Outcome 3 (7c): Use of appropriate behaviors and taking action to meet needs, which includes feeding, dressing, self-care, and following rules related to health and safety.

LEAs submit preschool assessment data to the State twice per year through CASEMIS. CDE performs the required psychometrics.³⁹ For each of the outcomes, CDE uses DRDP (2015) data to establish "entry" and "exit" scores for every child assessed. Each child's DRDP (2015) data at the time of entry into preschool special education services are compared to the data at the time of exit from preschool special education services using the following process:

- DRDP (2015) data are compiled annually to create a single longitudinal data set.
- Data are reviewed to identify an "entry" assessment for every child.

³⁸ 34 C.F.R. § 300.160(a).

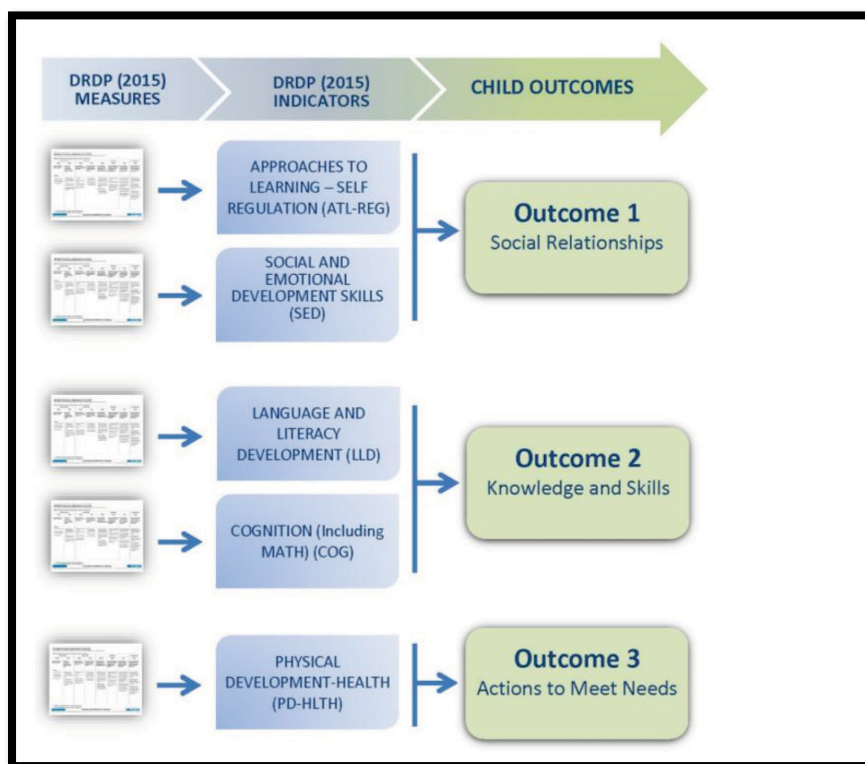
³⁹ "Required psychometrics" refers to the analysis to normalize the assessment and develop cut score for the performance levels.

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- CDE reviews the DRDP (2015) data to identify children who have exited preschool special education. The most recent DRDP assessment is used as the “exit” assessment.
- “Entry” and “exit” assessments are paired and extracted for the Indicator 7 analyses.

The following table illustrates the measures, indicators and outcomes of the DRDP:



For each outcome, CDE analyzes the DRDP results to determine the extent to which the child’s behaviors and skills are comparable to age expectations. Each child’s DRDP entry and exit data provide an overall summary of progress, determined by comparing each child’s level of functioning and progress to a sample of same-aged peers. The child’s progress is then assigned to the appropriate Progress Category, which categories are described in the table below:

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Progress Category Descriptions (Retrieved from <http://ectacenter.org/eco/>)

Progress Category	Children in this Category
a Did not improve functioning	Children who made no progress, acquired no new skills or regressed in an outcome area during their time receiving special education services program. *Note: A Child would not have made progress on any DRDP measure to be included in this category.
b Improved functioning, but not sufficient to move nearer to functioning comparable to same-aged peers	Children who acquired new skills but continued to grow at the same rate throughout their time in the program.
c Improved functioning to a level nearer to same-aged peers but did not reach it	Children who acquired new skills but accelerated their rate of growth during their time in the program. They made progress toward their same aged peers but were still functioning below age expectations when they left the program.
d Improved functioning to reach a level comparable to same-aged peers	Children who were functioning below age expectations when they entered the program but were functioning at age expectations when they left.
e Maintained functioning at a level comparable to same-aged peers	Children who were functioning at age expectations when they entered the program and were functioning at age expectations when they exited.

The following two Summary Statements for each of the three outcome areas indicate the aggregated LEA's progress.

Summary Statement 1: Of those children who entered the program below age expectations in each outcome, the percentage who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

This data analysis examines the proportion of children who changed growth trajectories during their time in preschool special education. It is the percentage of children that narrowed or closed the gap relative to age expectations. The result for Summary Statement 1 is calculated using the following formula: $[(c + d) / (a + b + c + d)]^{40} \times 100$.

Summary Statement 2: The percentage of children who were functioning within age expectations in each outcome by the time they turned 6 years of age or exited the program.

This data analysis examines the proportion of children functioning at age expectations by the time they exited out of preschool special education. It is the percentage of children functioning at or near age expectations. The result for Summary Statement 2 is calculated using the following formula: $[(d + e) / (a + b + c + d + e)] \times 100$.

CDE compares the calculated rates to the statewide target for students with disabilities in each measurement:

Measurement	Targets for 2017-2018
Positive Social-Emotional Skills	83.20% / 79.50%

⁴⁰ The letters in the formula correspond to the progress categories in the table above.

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Acquisition/Use of Knowledge and Skills	80.70% / 78.57%
Use of Appropriate Behaviors	74.70% / 77.45%

DRDP scores are calculated for each Outcome and Summary Statement and then compared to the following targets for preschool assessment. **Attachment K** includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year. CDE selects LEAs whose total rate is the below the target for any of the measurements for monitoring in the following review:

- Preschool Review

Additionally, these results are factors for selection in the following review:

- Comprehensive Review

F. Timely Review of Individualized Education Programs

Under federal law, "each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team - (i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved."⁴¹

CDE uses the following three data elements from CASEMIS for children ages 3 through 21 to determine whether an LEA timely reviews IEPs, specifically, A-36, Last IEP; A-1, Report Date, and (A-66) IEP Delay. Data are collected in the June pupil collection of CASEMIS.

A-36 Last IEP	A-1 Report Date	A-66 IEP Delay
The date when the last IEP, IFSP, or ISP (if the student is placed in a private school by a parent) meeting was held for the student.	The reporting date of the student level data.	<p>The reason the annual IEP is untimely.</p> <p>10 Timely IEP; another IEP held after timely IEP</p> <p>20 Parent contacted-did not attend</p> <p>30 Transfer</p> <p>40 Late without cause</p> <p>90 Other</p>

To calculate the timely review of each student's IEP, CDE subtracts the report date (A-1), from the Last IEP Date (A-36). If the date is greater than 365 days (366 days in instances of a leap year) and there is not a valid delay code (A-66), CDE identifies the LEA as noncompliant.

⁴¹ See 34 C.F.R. § 300.324(b)(1)(i).

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The calculated rates are compared to the target. The target for timely review of each student's IEPs for all LEAs is 100%, meaning 100% of students must have an IEP reviewed once in a year.

Measurement	Target for 2017-2018
Timely IEPs	100%

CDE selects LEAs whose rate is below the target for monitoring in one of the following areas:

- Data Identified Noncompliance
- Comprehensive Review

Attachment K includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year.

G. Timely Triennial Assessments

Under federal law, "A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311— (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (2) If the child's parent or teacher requests a reevaluation. (b) *Limitation*. A reevaluation conducted under paragraph (a) of this section—(1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary."⁴²

CDE uses the following three data elements from CASEMIS for children ages 3 through 21 to determine the whether an LEA timely assesses IEPs, specifically, A-37, Last evaluation; (A-1), Report Date; and (A-67) Triennial Delay. Data are collected in the June pupil collection of CASEMIS.

A-37 Last Evaluation Date	A-1 Report Date	A-67 Triennial Delay
The latest determination of initial or continued eligibility for special education	The reporting date of the student level data.	The reason the triennial evaluation is untimely. 10 Timely IEP; another IEP held after timely IEP 20 Parent contacted-did not attend 30 Transfer

⁴² See 34 C.F.R. § 300.303(b).

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		40	Late without cause
		90	Other

To calculate the timely review of each student's IEP, CDE subtracts the Report date (A-1), from the Last Evaluation date (A-37). If the date is greater than 1095 days and there is not a valid Triennial Delay code (A-67), CDE identifies the LEA as noncompliant.

The calculated rates are compared to the target. The target for timely review of each student's IEPs for all LEAs is 100%, meaning 100% of students must have an IEP reviewed every three years.

Measurement	Target for 2017-2018
Timely Triennials	100%

CDE selects LEAs that receive either a Red or Orange performance level on the Dashboard for monitoring for Performance Indicator Review. Additionally, the Dashboard indicators are a factor in CDE's selection of LEAs for Comprehensive Review. **Attachment K** includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year.

H. Parent Input⁴³

The U.S. Department of Education for SPP reporting (Indicator 8) requires that the state measure the percentage of parents with a student receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for students with disabilities.

CDE uses the same data for both calculating SPP federal reporting (Indicator 4) and selection for further monitoring activities.

The measurement uses field A-56, Parent Input from CASEMIS.

A-56 Parent Input	
Parent response to the question, "Did the school district facilitate parent involvement as a means of improving services and results for your child?"	
10	Yes

⁴³ During Phase 1, CDE's Policymakers proposed to collect parent survey data via the pilot parent survey presented at the August 7, 2018 Phase 1 hearing. That survey is available at the Sacramento County Office of Education's Seeds of Partnership (CDE's contractor) website at <http://test.scoe.net/pwps/index.cfm>. See also State Defendants' Response to Court's Request for Pilot Parent Survey, submitted August 17, 2018, at Dkt. 2427-1.

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A-56 Parent Input	
Parent response to the question, "Did the school district facilitate parent involvement as a means of improving services and results for your child?"	
20	No
30	No response given

To calculate the rate of parents indicating the LEA facilitated parent involvement, take number of parents responding YES (A-56, Code 10) and divide by the total number of responding YES or NO (A-56, Code 10 and Code 20). Multiply the result by 100.

The calculated rates are compared to the target. The target for Indicator 8 follows:

Measurement	Target for 2017-2018
% of Parents Reporting	92%

CDE selects LEAs that receive either a Red or Orange performance level on the Dashboard for monitoring for Performance Indicator Review. Additionally, the Dashboard indicators are a factor in CDE's selection of LEAs for Comprehensive Review. **Attachment K** includes CDE's preliminary identification of LEAs that did not meet the above targets for the 2017-18 school year.

I. Restraint and Seclusion

During Phase 1, CDE proposed data collection on restraint and seclusion for school year 2019-20 to mirror the current Office of Civil Rights data collection. During the August 2018 Phase 1 Hearings, CDE policymakers agreed that collecting and analyzing restraint and seclusion data was an important activity, including the collection and analysis of data for students at nonpublic schools.

On September 30, 2018, Governor Brown signed into law Assembly Bill 2657, which requires that the State collect data on restraint and seclusion from LEAs annually, mirroring the biannual collection on restraint and seclusion by the Office of Civil Rights. CDE will begin to collect this data for the 2019-20 school year, as well as restraint and seclusion data for students at nonpublic schools. Accordingly, the State will present its methodology for analyzing and using this data in a later phase.

J. Child Find

Under federal law, each state must ensure that all students with disabilities residing in the state who are in need of special education and related services are identified, located and evaluated.⁴⁴ CDE analyzes the data it collects to determine whether LEAs

⁴⁴ 34 C.F.R. § 300.111.

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are adequately identifying children with disabilities in need of special educational supports and services.

To determine whether LEAs are adequately identifying children with disabilities in need of special educational services, CDE uses the data and calculation methodology for SPP Indicator 11. For selection for monitoring, CDE uses both the data and calculation methodology for SPP Indicator 11 and additional data and calculations to identify the percentage of students with disabilities in an LEA.

1. 60-Day IEP Timeline

Indicator 11 is a compliance indicator that measures the percentage of students with disabilities who were evaluated within 60 days of receiving parental consent for initial evaluation (20 U.S.C. 1416(a)(3)(B)). Data are collected annually in the June pupil collection of CASEMIS. The specific data elements used for calculating this percentage are A-28, Parent Consent date, A-29, Initial Evaluation Date, and A-30, Evaluation Delay.

A-24 Parent Consent Date (SB)	A-29 Initial Evaluation Date	A-30 Evaluation Delay
Date district received parent consent for initial evaluation for Part B special education services, for ages 3 through 21.	Date of IEP Team meeting to review initial evaluation and determine eligibility for Part B special education services, for ages 3–22	Reason the initial evaluation is beyond 60-day time line. Reason for delay: 10 Parent did not make child available 20 Official school break of more than 5 days 30 Transfer 40 Late without cause 90 Other (SELPA must list reason in district summary report to CDE)

Calculated Rate 1: Number of children whose eligibility was not made in 60 days.

To calculate the timeliness of each student's assessment of eligibility, CDE subtracts the initial evaluation date (A-29) from the parent consent date (A-28). If the date is greater than 60 days and there is not a valid Evaluation Delay code (A-30), the LEA is identified as noncompliant.

2. Rate of Students with Disabilities in the LEA

In previous years, CDE used the federal indicator (Indicator 11) as the sole compliance measure of child find. Beginning in the 2018-2019 monitoring year, CDE Policymakers

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determined that calculating a rate of students with disabilities in the LEA allows for a performance measure of child find, and can be used to determine whether a LEA has effective child find policies or procedures.

Data are collected annually in both CASEMIS and CALPADS. The specific data elements used for calculating this rate are A-32, Education Plan Type, A-4, District of Service (CASEMIS) and 1.22, Enrollment Start Date and 1.25 Enrollment Exit Date (CALPADS).

A-32 Education Plan Type (CASEMIS)	A-4 District of Service (CASEMIS)	1.22 Enrollment Start Date 1.25 Enrollment Exit Date (CALPADS)
<p>Type of education plan for special education services</p> <p>10 – Individual Education Program</p> <p>20 – Individual Service Program⁴⁵</p> <p>70 - Eligible: no Individual Education program, Individual Family Services Plan⁴⁶, or Individual Service Plan, Parentally placed in private school (student does not need services to be provided using proportionate share or parent declines offer of services to be provided via proportionate share)</p> <p>80 - Eligible: no Individual Education Plan, Individual Family Service Plan, or Individual Service Plan, other reasons or no services delivered.</p>	<p>District, county office of education or state-operated program site providing the majority of services and/or receiving funds</p>	<p>1.22 Enrollment Start Date – The first date that a student attended a particular school for a period of enrollment. This should be the first day of the enrollment period that the student generated average daily attendance for the school. For pre-enrolled students, this is the very first day that the student is expected to attend.</p> <p>1.25 Enrollment Exit Date – The last date that a student attended within a specific enrollment period.</p>

AGGREGATION 1: From CASEMIS, aggregate all students with an IEP educational plan (A-32, Code 10) by LEA (A-4) to determine the number of students eligible for an IEP.

AGGREGATION 2: From CALPADS, aggregate total enrollment information for each student reporting under the reporting LEA (Student Information Record Layout).

⁴⁵ Individual Service Program is for students eligible for IDEA but are attending private schools and have chosen to not access services offered in the IEP.

⁴⁶ Individual Family Service Plan is for children eligible for services under IDEA Part C and are ages 0 through 2.

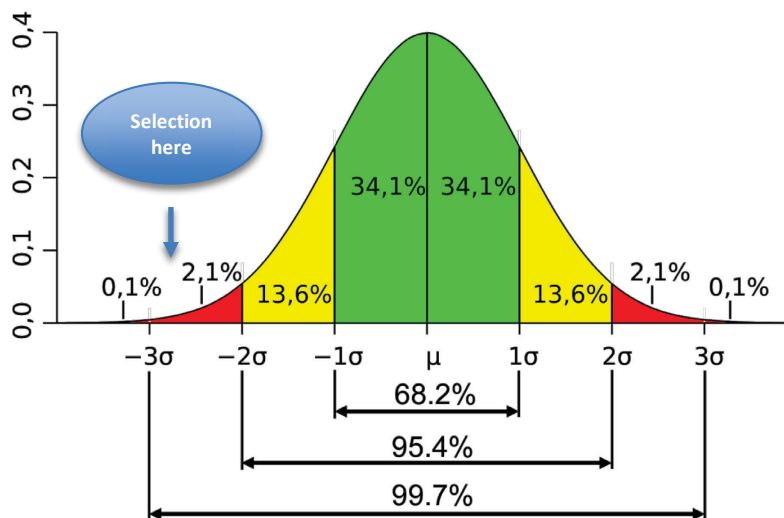
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STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT**Calculated Rate 2: Rate of students with disabilities in the LEA.**

Take the number of students with disabilities in the LEA (A-32, Code 10) and divide by the number of all students in the LEA (CALPADS Aggregated Student Count).

For this analysis and calculation, only students aged 6 through 21 are included. CDE does not have a comparison group of preschool general education students to calculate the rate. The state of California does not have universal preschool and thus universal statewide data is not available for all children, ages 3 through 5, to use as the denominator in this calculation.

CDE will use a methodology that takes into account the variance that exists in student populations in California. After review of statistical models, CDE policymakers believe that the use of a normative model using two standard deviations is adequate to select LEAs for a further monitoring activity, while also accounting for geographic and regional differences. The table below shows this statistical model in a normal distribution. Holding all factors equal, 68.2% of a given variable are within one standard deviation of the mean, while 95.4% are within two standard deviations. CDE will identify those LEAs who fall outside of two standard deviations of the mean, because falling outside of two standard deviations of the mean indicates potential poor child find practices and flagging for monitoring.



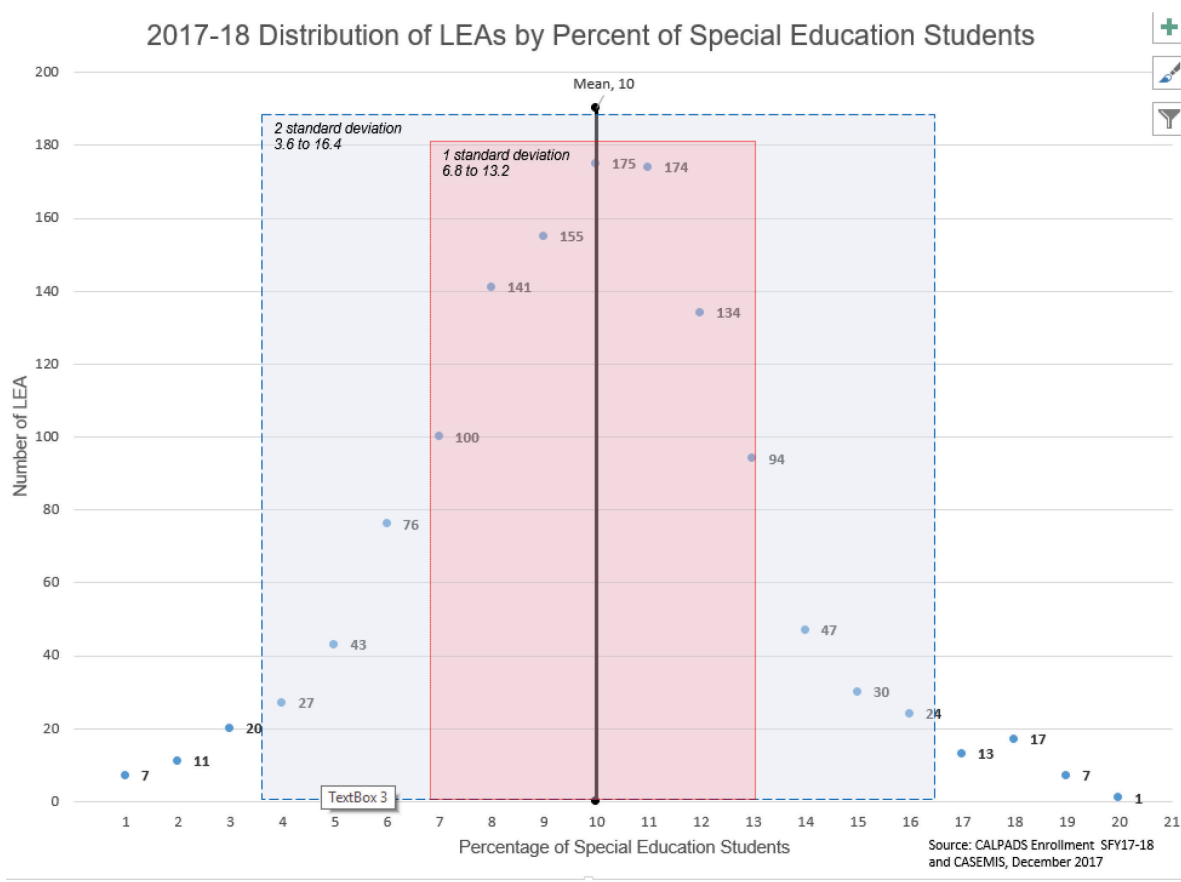
CDE takes into account geographic and regional differences. There may be instances where an LEA has more students in a given area for many reasons. For example, San Diego is known as a Compassionate Reassignment location for members of the military,

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therefore there may be a higher rate of students with disabilities in that area.⁴⁷ This variation is not associated with the LEA's child find policies and procedures, but simply a by-product of the location. Using the standard deviation methodology ensures that LEAs which fall above or below the statewide rate accounting for these regional differences are not incorrectly identified as having potential poor child find practices.

In the 2017-18 school year, the rate of students with disabilities ages 6 through 21 in the state was 10% and the standard deviation is 3.21 (after upper bound outliers⁴⁸ are removed). Two standard deviations below the mean is 3.6%. **Attachment M** includes a list of LEAs CDE has preliminarily selected for PIR based on the criteria described above.



The calculated rates are compared to the target. The target for Indicator 11 follows:

⁴⁷ Compassionate reassignment refers to when a soldier in the U.S. Military requests to be assigned to an installation better equipped to deal with the special needs of an immediate family member.

⁴⁸ Because some LEAs only have students with disabilities, such LEAs are deemed outliers and are removed from CDE's analysis.

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Measurement	Target for 2017-2018
Evaluated within 60 days	100%

CDE selects LEAs that do meet the 60-day timeline for 100% of the students for:

- Data Identified Noncompliance Review

Additionally, the LEAs who fall below two standard deviations of the mean for the rate of students with disabilities are included in:

- Performance Indicator Review

Attachment M includes a list of LEAs CDE has preliminarily selected for each review.

K. Dispute Resolution

1. State Complaints

Parents and others have the right to file a complaint with CDE if they believe an LEA is not complying with federal or state special education laws and regulations.⁴⁹ The complaint must allege a violation that occurred no more than one year prior to the filing of the complaint.⁵⁰ CDE encourages parents and family members, as well as interested third-parties, to work with schools to resolve differences related to special education. However, situations may arise where parents or third parties allege a local educational agency has not complied with a federal or state special education requirement. CDE provides a complaint resolution process, in accordance with the IDEA, to allow for issues to be resolved within sixty days.⁵¹ During the complaint resolution process, if a LEA is found noncompliant with respect to federal or state special education requirements, a letter of findings is issued addressing the noncompliance and any required corrective action(s) to be taken by the LEA, as appropriate. The complaint file remains open until the corrective action(s) is/are completed. CDE monitors the corrective action for compliance. If the corrective action is not completed, the LEA may be subject to sanctions.⁵²

CALCULATION

Number of complaint noncompliance
Divided by

⁴⁹ 34 C.F.R. §§ 300.151-300.153. See also <https://www.cde.ca.gov/sp/se/qa/documents/sedcomplaintform.pdf>.

⁵⁰ 34 C.F.R. § 300.153(c).

⁵¹ See <https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp>.

⁵² **Attachment N** is a letter from CDE to an LEA concerning the LEA's failure to address corrective actions in connection with a parent complaint.

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Number of Special education students in the LEA

This rate is examined compared to the LEA's previous year's rate. Instances of an increase are a factor in Comprehensive Review selection.

2. Mediation

Mediation is a process in which an impartial mediator assists the parties in an effort to reach a mutually agreeable solution through a structured, yet informal meeting.⁵³ It is a voluntary alternative to a due process hearing. Both parties must agree to mediate the dispute. Mediation does not interfere with or delay a parent's right to a due process hearing. A party does not have to file a formal written complaint or request for a due process hearing to utilize mediation. Parents and LEAs do not need to be involved in a pending complaint or due process request to engage in mediation. Discussions that occur during mediation are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.⁵⁴ Due to the voluntary nature of mediation, data is not used for selection of LEAs for monitoring purposes

3. Due Process Hearings

Due process hearings provide an avenue for a parent or an LEA to address special education issues related to the identification, evaluation, educational placement, or provision of a free and appropriate education to a child with a disability.⁵⁵ The Office of Administrative Hearings (OAH) contracts with CDE to handle the special education due process hearing and mediation program for California.⁵⁶ Within 15 days of receiving notice of the parent's due process request, and prior to the initiation of a due process hearing, the local educational agency must convene a resolution meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the request.⁵⁷ The purpose of this resolution meeting is for the parent of the child to discuss the due process request, so that the LEA has the opportunity to resolve the issue that is the basis of the filing. Upon mutual agreement between the parent and the LEA, the OAH will assign a facilitator for the resolution session to assist both parties in clearly communicating their concerns and how concerns may be resolved. If a resolution to the dispute is not reached at the resolution session, the parties still have until the end of the resolution period (30 days total) to resolve the dispute. If the parties do not reach a resolution in that period of time, the due process

⁵³ 34 C.F.R. § 300.506.

⁵⁴ See <https://www.documents.dgs.ca.gov/oah/SE/Handbook.4.5.18.pdf> for a comprehensive guide to special education due process and mediation where the mediation process is described beginning on page 34.

⁵⁵ 34 C.F.R. § 300.507.

⁵⁶ See <http://www.dgs.ca.gov/oah/SpecialEducation/AboutUs.aspx> and <https://www.documents.dgs.ca.gov/OAH/SE/Brochures/BrochureEnglish.pdf>.

⁵⁷ 34 C.F.R. § 300.510.

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request proceeds with a hearing in front of an impartial hearing officer who will take testimony from both parties, review evidence and render a written decision.

The OAH maintains a dispute resolution database with information regarding mediation and facilitation. The database also contains information related to resolution sessions including: whether a resolution session was held, and, if not, for what reason; date(s) the resolution session(s) took place; whether the resolution session was waived by both parties; whether the resolution session resulted in a written settlement agreement; and whether the matter was resolved during the resolution session.⁵⁸ The OAH also maintains a public due process decision database for due process hearing decisions. The searchable database currently provides a brief description of each decision and offers the user the option to either view the full decision online or print the information.

CDE reviews and analyzes dispute resolution data to identify trends and patterns over time and to inform guidance and technical assistance efforts. These data are shared with stakeholders, including the ACSE, parents, SELPA personnel, county office of education personnel and related organizations at conferences, meetings, and other training opportunities. In addition, CDE funds required training for hearing officers, mediators and facilitators on IDEA and state requirements and dispute resolution procedures.

CDE calculates the rate of noncompliance found in due process cases per special education students. Using the data from the Special Education Complaint Resolution System, CDE identifies the number instances of noncompliance for each due process case.

Calculation: Rate of Noncompliance in Due Process Cases

Number of instances of due process noncompliance
Divided by
Number of Special education students in the LEA

Selection for Further Monitoring Activities

The calculated rate is compared to the target.

Measurement	Target for 2017-2018
15 Day Timeline	100%

CDE selects LEAs that do not meet the 15-day timeline for 100% of the Resolution Sessions for:

- Data Identified Noncompliance Review

⁵⁸ See

<https://www.documents.dgs.ca.gov/oah/SE/Forms/NoticeofResolutionOutcome.pdf>.

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Additionally, the LEAs with rates of noncompliance associated with Due Process filings are included in:

- Comprehensive Review

Attachment M includes a list of LEAs CDE has preliminarily selected for either of these reviews.

L. Timely C to B Transition

Under federal law, the State “must have in effect policies and procedures to ensure that—

(a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act; (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with §300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.”⁵⁹

CDE uses the same data and calculation methodology for both SPP federal reporting (Indicator 12) and selection for further monitoring activities. Indicator 12 is a compliance indicator that measures the percentage of children referred by the infant program (IDEA Part C) prior to age three, who are found eligible for IDEA Part B, and who have an IEP developed and implemented by their third birthday.

1. Data Elements

CDE uses two data elements collected in CASEMIS for the analysis of timely Part C to Part B transition, specifically, A-13, Birthdate and A-29, Initial Evaluation Date.

A-13 Birthdate	A-29 Initial Evaluation Date
Student's date of birth.	Date of IEP Team meeting to review initial evaluation and determine eligibility for Part B special education services, for ages 3 through 21.

CDE first identifies the number of children who turned three during the previous school year using the June CASEMIS submission. The June CASEMIS data identifies all

⁵⁹ See 34 C.F.R. § 300.124.

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students who entered into special education, exited special education, were referred but not eligible for special education and related services, were referred and found eligible for special education and related services, and who have IEPs.

2. Calculation

Calculation 1: Count of student who turned 3 years of age.

To identify all students who turned three during the previous school year, CDE subtracts the Birthdate (A-13) from the Initial Evaluation date (A-29). CDE then applies selection criteria to determine all students who had an initial evaluation determination during the school year between July 1 and June 30 of the year. This identifies the children who turned three during the year and who also had a determination of eligibility made during that year.

There are some students who turned three and had an initial evaluation of eligibility during the year, but were not in the Part C program. These students would not be included in this analysis. Therefore, CDE must determine if any of the students who turned three that year were in the Part C program. This is accomplished using one of two methods:

Method 1: CDE analyzes if those students who turned three and had an initial evaluation of eligibility during the year but were not in the Part C program had an Infant Initial Evaluation Date submitted in CASEMIS (A-25). This data indicates those students who were served by infant programs at the LEAs and were reported in CASEMIS.

Method 2: CDE matches the remaining students that turned three that year to data provided by the Department of Developmental Services to determine if they were in a part C program and served at a regional center.

Once all students who turned three between July 1 and June 30 of the preceding school year are identified and determined to have been in the Part C program, CDE conducts the following calculation prescribed by OSEP.

CALCULATION 1: Number of Children not meeting the Part C to Part B timeline.

Number of Children Found Eligible

Divided by

Sum of (number of children in Part C and referred to Part B) minus (number of children not eligible) minus (number of children for whom delays in parent consent caused delays) minus (number of children referred to part C 90 days before the third birthday)

Using this analytic strategy provides an indication of transitions from the Part C program to the Part B program that are not smooth and effective.

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STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT**3. Selection for Further Monitoring Activities**

The calculated rate is compared to the target. The target for Indicator 12 is:

Measurement	Target for 2017-2018
IEP within 3 rd Birthday	100%

CDE selects LEAs that do not meet the Part C to Part B timeline for 100% of the students for:

- Data Identified Noncompliance Review

Additionally, Part C to B transition is a factor in the selection of the following activity:

- Comprehensive Review

Attachment M includes a list of LEAs CDE has preliminarily selected for either of these reviews.

M. Disproportionality

In December 2016, OSEP made changes to the federal regulations pertaining to Significant Disproportionality.⁶⁰ The new regulations require that states use the risk ratio methodology, which is defined as the comparison of risk for a racial/ethnic group against the risk of a comparison group for all disproportionality calculations.⁶¹ CDE also uses the risk ratio to identify disproportionate representation. A description of the calculation for each category is below.

1. Data Elements

CDE uses the following data elements and data source(s) for calculation and selection purposes:

⁶⁰ See <https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17.pdf> and <https://www.ed.gov/news/press-releases/fact-sheet-equity-idea>

⁶¹ See 34 C.F.R. § 300.647.

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STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT**CASEMIS Data Elements**

Data Element Number	Data Element Name	Definition	Code set (if applicable)																		
A-15	Ethnicity	Ethnic background of the student receiving special education and related services.	<table><tr><th colspan="2">Ethnicity Code</th></tr><tr><th>Coded Value</th><th>Name</th></tr><tr><td>500</td><td>Yes, Hispanic or Latino</td></tr><tr><td>501</td><td>Not Hispanic or Latino</td></tr><tr><td>900</td><td>Intentionally left blank</td></tr></table>	Ethnicity Code		Coded Value	Name	500	Yes, Hispanic or Latino	501	Not Hispanic or Latino	900	Intentionally left blank								
Ethnicity Code																					
Coded Value	Name																				
500	Yes, Hispanic or Latino																				
501	Not Hispanic or Latino																				
900	Intentionally left blank																				
A-16— A-18	Race 1-3	Student's first, second and/or third race identification or background	See Attachment (Phase 1 Data Use Table, Page 16)																		
A-38	DISABILIT1	The main disability of the student contributing to his/her eligibility for special education and related services.	See Attachment (Phase 1 Data Use Table, Page 8)																		
A-44	Federal School Setting	The program setting in which the student, age group 6 through 22 only, is receiving or has received the majority of special education and related services according to the student's IEP.	<table><tr><th colspan="2">Federal School Setting Code</th></tr><tr><th>Coded Value</th><th>Name</th></tr><tr><td>400</td><td>Regular Classroom/Public Day School</td></tr><tr><td>450</td><td>Separate School</td></tr><tr><td>460</td><td>Residential Facility</td></tr><tr><td>470</td><td>Homebound/Hospital</td></tr><tr><td>480</td><td>Correctional Facility</td></tr><tr><td>490</td><td>Parentally Placed in Private School</td></tr><tr><td>500</td><td>Home schooled per IEP/Independent study charter school/Virtual charter school</td></tr></table>	Federal School Setting Code		Coded Value	Name	400	Regular Classroom/Public Day School	450	Separate School	460	Residential Facility	470	Homebound/Hospital	480	Correctional Facility	490	Parentally Placed in Private School	500	Home schooled per IEP/Independent study charter school/Virtual charter school
Federal School Setting Code																					
Coded Value	Name																				
400	Regular Classroom/Public Day School																				
450	Separate School																				
460	Residential Facility																				
470	Homebound/Hospital																				
480	Correctional Facility																				
490	Parentally Placed in Private School																				
500	Home schooled per IEP/Independent study charter school/Virtual charter school																				
A-45	Percent of Time in Regular Class	The amount of instructional time (expressed in percentage) a student spends inside the general education classroom or general education environment (CFR 300.114).	n/a																		

CALPADS Data Elements

Data Element Number	Data Element Name	Definition	Code set (if applicable)
2.23	Student Hispanic Ethnicity Indicator	An indication of whether or not a Student identifies him or herself as having an ethnicity (how a person identifies him/herself in the	Y/N

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Data Element Number	Data Element Name	Definition	Code set (if applicable)												
		context of: heritage, culture (i.e., religion, language, customs, music, etc.), lineage, or country of birth of the person or the person's ancestors; and is not nationality or race) of Hispanic													
2.25—2.29	Student Race Code 1-5	A coded value representing a person's Race Category (student can report up to 5 race codes)	See Attachment (Phase 1 Data Use Table, Page 13)												
4.18	Incident Disciplinary Action Taken Code	A coded value representing the final Disciplinary Action Category taken against the student for a specific incident.	<table><tr><th colspan="2">Disciplinary Action Category</th></tr><tr><th>Coded Value</th><th>Name</th></tr><tr><td>100</td><td>Suspension</td></tr><tr><td>110</td><td>In-School Suspension</td></tr><tr><td>200</td><td>Expulsion</td></tr><tr><td>300</td><td>No Suspension or Expulsion</td></tr></table>	Disciplinary Action Category		Coded Value	Name	100	Suspension	110	In-School Suspension	200	Expulsion	300	No Suspension or Expulsion
Disciplinary Action Category															
Coded Value	Name														
100	Suspension														
110	In-School Suspension														
200	Expulsion														
300	No Suspension or Expulsion														
4.20	Incident Disciplinary Action Duration Days	The length of time, in school days, that a Disciplinary Action for a student for a specific incident lasted.	n/a												

2. Calculations**a. Identification****1) Disproportionality in Identification (Overall)**

Indicator 9 is a compliance indicator that measures the percentage of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification (20 U.S.C. 1416[a][3][C]). The calculation for Indicator 9 has been changed to match the new federal regulations in 34 C.F.R. § 300.647. Effective federal fiscal year (FFY) 2016, CDE uses the risk ratio to make identification of disproportionate representation. LEAs selected for disproportionality are required to go through a review of policies, practices, and procedures.

The following represents the calculation used for identifying LEAs that are disproportionate in the identification of students with disabilities. CDE utilizes the risk

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ratio or alternate risk ratio using race/ethnicity categories for all students, including students with disabilities.

Step one

Students with disabilities in a specific race/ethnicity group

Divided by

Students in the same race/ethnicity group in general education

Multiply the product by 100

Step two

Students with disabilities **NOT** in a specific race/ethnicity group

Divided by

Students **NOT** in the same race/ethnicity group in general education

Multiply the product by 100

Step three

Divide the number calculated in step one by the number calculated in step two

2) Disproportionality in Identification by Disability Categories

Indicator 10 is a compliance indicator that measures the percentage of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C)). The calculation for Indicator 10 (Ethnicity by Disability) has been changed to match the new federal regulations in 34 C.F.R. § 300.647. Effective FFY 2016, CDE uses the risk ratio (or the alternate risk ratio when appropriate) to make selection for disproportionality review.⁶² LEAs selected are required to go through a review of policies, practices, and procedures.

The following represents the calculation used for identifying LEAs that are disproportionate in the identification of students with disabilities by disability. CDE utilizes the risk ratio or alternate risk ratio using race/ethnicity categories for students with disabilities, all students, and disability designation.

⁶² In cases where either the numerator or denominator of the particular race/ethnicity group fail to meet the minimum size, CDE uses the Alternate Risk Ratio. The Alternate Risk Ratio is a calculation performed by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that outcome for children in all other racial or ethnic groups in the State, rather than in the LEA as with the Risk Ratio.

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Step one

Students with disabilities in a specific race/ethnicity group for each federal disability category

Divided by

Students in the same race/ethnicity group in general education

Multiply the product by 100

Step two

Students with disabilities **NOT** in a specific race/ethnicity group for each federal disability category

Divided by

Students **NOT** in the same race/ethnicity group in general education

Multiply the product by 100

Step three

Divide the number calculated in step one by the number calculated in step two

b. Placement in the Least Restrictive Environment

Disproportionality in placement measures the percentage of LEAs with disproportionate representation of racial and ethnic groups in placement. Effective FFY 2016, CDE uses the risk ratio (or the alternate risk ratio when appropriate) to identify disproportionate representation. LEAs selected for disproportionality review are required to go through a review of policies, practices, and procedures.

1) Disproportionality in the Least Restrictive Environment

Disproportionality in the LRE uses the calculation for risk ratio or alternate risk ratio. The data elements for risk ratio or alternate risk ratio use race/ethnicity categories for students with disabilities and all students; and placement in separate environments, in a regular class less than 40% of the day or in a regular class between 40% and 79% of the day.

AGGREGATION 1: Students in regular education greater than 80% of the day

Total number of children in a regular classroom/public day school (A-44, Code 400) who are in a regular class greater than 80% of day (A-45).

AGGREGATION 2: Students in regular education less than 40% of the day

Total number of children in a regular classroom/public day (A-44, Code 400) school less than 40 % of the school day (A-45).

AGGREGATION 3: Students in separate placements

Total number of students with disabilities ages 6 through 21 in separate placements (A-44, Codes 450, 460 and 470).

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Calculation 1: Risk ratio for Separate Placement by Race and Ethnicity. LEA risk ratio is a comparison of the LEA risk for one race/ethnicity group with the LEA risk for the other students who are not in that particular race/ethnicity group. It is calculated as LEA risk divided by LEA risk for other students. The calculation for the risk ratio is shown below.

Step one

Students with disabilities in a specific race/ethnicity group for students in separate placements

Divided by

Students in the same race/ethnicity group in general education

Multiply the product by 100

Step two

Students with disabilities **NOT** in a specific race/ethnicity group for students in separate placements

Divided by

Students **NOT** in the same race/ethnicity group in general education

Multiply the product by 100

Step three

Divide the number calculated for step one by the number calculated in step two

Calculation 2: Risk ratio for Less than 40% of day in a regular class by Race and Ethnicity. LEA risk ratio is a comparison of the LEA risk for one race/ethnicity group with the LEA risk for the other students who are not in that particular race/ethnicity group. It is calculated as LEA risk divided by LEA risk for other students. The calculation for the risk ratio is shown below.

Step one

Students with disabilities in a specific race/ethnicity group for students in regular class less than 40% of the day

Divided by

Students in the same race/ethnicity group in general education

Multiply the product by 100

Step two

Students with disabilities **NOT** in a specific race/ethnicity group for students in regular class less than 40% of the day

Divided by

Students **NOT** in the same race/ethnicity group in general education

Multiply the product by 100

Step three

Divide the number calculated for step one by the number calculated in step two

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c. *Behavior*

1) **Disproportionality in Suspension/Expulsion**

Disproportionality in Suspension/Expulsion measures the percentage of LEAs with disproportionate representation of racial and ethnic groups for in school and out of school suspensions and expulsions. Effective FFY 2016, CDE uses the risk ratio (or the alternate risk ratio⁶³ when appropriate) to make selection for disproportionality review.

CDE uses five categories of suspension/expulsion for the purposes of disproportionality monitoring. The categories are as follows:

- In-School Suspension 10 days or less
- In-School Suspension greater than 10 days
- Out-of-school suspension or expulsion 10 days or less
- Out-of-school suspension or expulsion greater than 10 days
- Total removals

CDE calculates the risk ratio or alternate risk ratio using race/ethnicity categories for all students, including students with disabilities; suspension/expulsion events and the duration of the suspension/expulsion event. The calculation is shown below.

Step one

Students with disabilities in a specific race/ethnicity group for each disability category
Divided by
Students in the same race/ethnicity group in general education
Multiply the product by 100

Step two

Students with disabilities **NOT** in a specific race/ethnicity group for each disability category
Divided by
Students **NOT** in the same race/ethnicity group in general education
Multiply the product by 100

Step three

Divide the number calculated for step one by the number calculated in step 2

⁶³ In cases where either the numerator or denominator of the particular race/ethnicity group fail to meet the minimum size (see above) the Alternate Risk Ratio is used. The Risk of the particular race/ethnicity is still calculated, but it is divided by the Risk of other students in the entire state.

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d. *Significant Disproportionality*

Section 618 of the IDEA requires states to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the LEAs of the state regarding:

(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment;

(B) the placement in particular educational settings of such children; and

(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Neither the IDEA nor the implementing regulations define “significant disproportionality.” Instead, they require states to use a standard methodology for analysis of disproportionality, which includes states setting a threshold above which disproportionality in the identification, placement, or discipline of students with disabilities within an LEA is significant.

It should be noted that the regulation provides states with the discretion to determine the thresholds above which the risk ratio in each category of analysis indicates significant disproportionality. CDE, in consultation with stakeholders, determined that the threshold of three would be used for both disproportionality and significant disproportionality. States have flexibility in identifying an LEA with significant disproportionality only after it exceeds a risk ratio threshold for up to three prior consecutive years, exclude small populations from analysis, and exclude from determinations of significant disproportionality LEAs that have made reasonable progress in reducing their risk ratios. (See 34 C.F.R. § 300.647(b),(d).)

CDE makes determinations regarding significant disproportionality in identification, placement, and behavior. To be identified as significantly disproportionate, an LEA must be disproportionate, using the above calculations, for three years. OSEP made changes to the regulations in December 2016, which required that states use a uniform methodology up to three years. CDE is currently working, with the input of a stakeholder group, on future changes to its significant disproportionality policies and procedures. In addition to CDE staff, the stakeholder group includes representatives from a variety of organizations such as: Disability Rights California, the California Association of School Psychologists, the California Teachers Association, Parent Training and Information Centers, the California Charter Schools Association, the African American Superintendent's Association, and WestEd. While OSEP has delayed the implementation of the regulations, CDE has determined the need to address this issue is timely, and will not delay use of the new methodologies in determining disproportionality.

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e. Selection for Further Monitoring Activities

CDE selects LEAs that receive either a Red or Orange performance level on the Dashboard for monitoring for Performance Indicator Review. Additionally, the Dashboard indicators are a factor in CDE's selection of LEAs for Comprehensive Review. **Attachment M** includes a list of LEAs CDE has preliminarily selected for either of these reviews.

III. Using Data in Selection of LEAs for Monitoring Activities

The IDEA and 34 C.F.R. § 300.600 require:

- (b) The primary focus of the State's monitoring activities must be on—
- (1) Improving educational results and functional outcomes for all children with disabilities; and
 - (2) Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

CDE routinely monitors compliance with the provisions of the IDEA for each LEA, every year, through a comprehensive system of oversight through the following monitoring activities:

- Performance Indicator Review (PIR) – which will include monitoring elements for Restraint and Seclusion and Child Find
- Data Identified Noncompliance Review (DINC) – which will include monitoring elements for IEP implementation
- Preschool Review
- Disproportionality Review
- Significant disproportionality Review
- Comprehensive Review (CR)

CDE selects LEAs for further monitoring activities using the calculations previously noted. The criteria used for the selection of each specific monitoring activity are outlined in the following sections.

A. Performance Indicator Review (PIR)

CDE's selection of an LEA for this review is based on whether the LEA met the target for any of the performance indicators in the SPP. CDE is required to publish local

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performance plans that determine how each LEA performed on the same indicators used to judge state performance.⁶⁴

CDE monitors the performance indicators⁶⁵ in the SPP through a separate monitoring activity known as Performance Indicator Review. The performance indicators are:

- Indicator 1: Graduation Rate*
- Indicator 2: Dropout Rate*
- Indicator 3: Statewide Assessment
- Indicator 4a: Suspension and Expulsion
- Indicator 5: Least Restrictive Environment
- Indicator 6: Preschool Least Restrictive Environment
- Indicator 8: Parent Involvement
- Indicator 14: Post-school outcomes*
- Child Find (proposed for 2018-19 further monitoring activities)
- Restraint and Seclusion (proposed for 2020-21 further monitoring activities)

LEAs that did not meet the established targets for graduation rate, statewide assessment, and suspension/expulsion are designated as “Red” or “Orange” performance level on the Dashboard. A “Red” or “Orange” performance level designation indicates that the LEA’s performance is either low or very low and has gotten worse or significantly worse as compared to the prior school year. As discussed on earlier in this report, by using both “Orange” and “Red,” the Dashboard data acts as an early warning for LEAs prior to be selected in the larger accountability system for differentiated assistance. Differentiated assistance is the second level of support in the State’s larger accountability system and addresses performance issues, including significant disparities in performance among student groups. LEAs are identified for differentiated assistance if they have scored “Red” for the same student group in two or more priority areas. If an LEA is identified as at an “Orange” performance level (the second to lowest performance) for the suspension indicator for the student with disabilities student group, CDE can assist the LEA through its monitoring processes to address the root cause of the problem before the LEA falls into the “Red” performance level (the lowest performance) or before high rates of suspension cause a decline in assessment performance resulting in becoming “Red” in two priority areas. Additional information on PIR activities will be discussed in Phase 3.

Attachment M includes a list of LEAs CDE has preliminarily selected for Performance Indicator Review.

⁶⁴ 34 C.F.R. § 300.602 (b)(1)(i)(A).

⁶⁵ Although the indicators with the * symbol are outside the scope of this litigation, these indicators are used in connection with the Performance Indicator Review for other LEAs.

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B. Data Identified Noncompliance (DINC)

OSEP requires states to examine data to determine whether it demonstrates noncompliance with the requirements of the IDEA. If the State identifies noncompliance, the state must make a finding of noncompliance and require the LEA to correct it using federally specified procedures (OSEP Memorandum 09-02, October 17, 2008).⁶⁶ To carry out these requirements, the Special Education Division at CDE reviews and analyzes student level data submitted to CASEMIS for compliance with state and federal requirements. Specifically, CDE analyzes the data is analyzed in relation to three compliance indicators from the SPP:

- Indicator 11: One hundred percent of children were evaluated within 60 days of receiving parental consent for initial evaluation.
- Indicator 12: One hundred percent of children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthday.
- Indicator 13: One hundred percent of youth aged 16 and older have an IEP that includes the eight required elements of transition.

In addition, CDE analyzes the CASEMIS data for compliance with the state and federal timeframe requirements for:

- Annual IEP meeting (once a year)
- Triennial re-evaluation to determine the student's continued eligibility (every three years)
- Timely resolution sessions of Due Process Filings (15 days)

As shown below, the data is reviewed up to three times a year for an LEA, depending on whether there is ongoing noncompliance. Additional information regarding the DINC process will be provided in Phase 3.

⁶⁶ See <https://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/osep09-02timelycorrectionmemo.pdf>

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Attachment M includes a list of LEAs CDE has preliminarily selected for Data Identified Noncompliance.

C. Preschool Review

The Preschool Review examines issues related to placement, suspension, child find, and the provision of FAPE for students 3 through 5 years of age. Preschool Reviews may be conducted as an adjunct to the Comprehensive Review process for those LEAs selected for participation in that activity, or conducted as a separate review for those LEAs not selected for Comprehensive Review. As is the case for the Comprehensive Review, the Preschool Review includes record review, policy and procedure review and interviews with LEA staff.

CDE is currently implementing a Preschool Matrix that employs a multiple measures approach to identify LEAs that have the greatest need for monitoring and corrective action for preschool noncompliance or underperformance.

The elements which CDE will include in the Preschool Matrix are described in the table below:

Elements for CDE Development of a Preschool Matrix

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Students ages 3 through 5 with an IEP with the majority of services offered in a preschool program	If the percentage for these students in the LEA is not equal or greater than the target for the state of 34.90%, the LEA will receive a 1.
Students ages 3 through 5 with an IEP served in a separate program or classroom	If the percentage for these students in the LEA is not equal or less than the target for the state of 32.40%, the LEA will receive a 1.
Students transition from the Part C to the Part B program timely	If LEAs do not have all IEPs in the place for students transitioning from Part C to Part B of the IDEA by the child's 3 rd birthday, the LEA will receive a 1
Preschool Suspension	If any child ages 3 or 4 with a disability has a suspension or expulsion event greater than one day in the LEA, the LEA will receive a 1.
Students aged 5 year olds and suspended (these students are often in TK and have higher rates of suspension than 3 and 4 year olds).	If the 5 year old suspension rate in the LEA is greater than the total statewide suspension rate for 5 year olds, the LEA will receive a 1.
The LEA meets all required targets for the Desired Results Developmental Profile	If the LEA fails to meet all targets in the assessment indicator, the LEA will receives a 1.
Students ages 3 through 5 with an IEP with the majority of services offered in a preschool program	If the percentage for these students in the LEA is not equal or greater than the target for the state of 34.90%, the LEA will receive a 1.
Students ages 3 through 5 with an IEP served in a separate program or classroom	If the percentage for these students in the LEA is not equal or less than the target for the state of 32.40%, the LEA will receive a 1.
Students transition from the Part C to the Part B program timely	If LEAs do not have all IEPs in the place for students transitioning from Part C to Part B of the IDEA by the child's 3 rd birthday, the LEA will receive a 1

Attachment O includes a sample of the Preschool Matrix with the aforementioned elements.

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During the monitoring in school year 2018-2019, CDE will use the Preschool Matrix to identify LEAs to pilot the Preschool Review monitoring activities. The Preschool Matrix measures the LEA's total sum score of all the elements. LEAs who earn a sum score of 6 or more will be selected for review. Additionally, LEAs who report more than one NPS for a child between the ages of 3 through 5 will also be selected for review, regardless of the total score, because an NPS placement is considered a highly restrictive environment and CDE would further investigate instances where LEAs feel this is an appropriate placement. Similar to the Comprehensive review, CDE considers the Preschool Activity to be an intensive level of review and will therefore identify the LEAs with the most need of support.

D. Disproportionality Review

CDE analyzes data to identify disproportionate representation of students with disabilities by race/ethnic group, and disability in LEA annually. As a result of these data calculations and preliminary determinations, CDE may select the LEA for the Disproportionality Review monitoring activity. If deemed disproportionate, CDE reviews the LEA's special education policies and procedures and evaluates a sample of the LEA's student records to determine if the district has any noncompliance that contributed to disproportionality.

CDE examines four areas to identify LEAs for the Disproportionality Review monitoring activity.

Disproportionate representation across race and ethnicity may indicate where an LEA has issues with over- or under-identification of students with disabilities for a particular race/ethnicity. CDE uses a risk ratio to select LEAs.

Disproportionate representation across race and ethnicity and disability category may indicate that an LEA has an over-or under-identification of students with disabilities for a particular race/ethnicity and disability. CDE uses a risk ratio to select LEAs.

Disproportionate representation across race and ethnicity within five discipline categories may indicate that an LEA disproportionately disciplines students with disabilities within a particular race as compared to their non-disabled peers. CDE uses a risk ratio (or alternate risk ratio where applicable) to determine high instances where disproportionality exists in LEAs for five categories:

- Any discipline
- In-school suspensions of 10 days or fewer
- In-school suspensions of more than 10 days
- Out-of-school suspensions and expulsions of more than 10 days
- Out-of-school suspensions and expulsions of more than 10 days

Disproportionate representation in placement for students ages 6 through 21 may indicate that an LEA disproportionately places students with disabilities within a particular

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race and ethnicity in an educational setting as compared to their non-disabled peers. CDE uses a risk ratio (or alternate risk ratio where applicable) to determine high instances where disproportionality exists in LEAs for two categories:

- Regular class less than 40% of the day
- Separate schools

E. Significant Disproportionality

Pursuant to 34 C.F.R. §300.646, CDE is responsible for collecting and examining data to determine if significant disproportionality is occurring in the LEAs. CDE examines data related to the over-representation of students by race and ethnicity with respect to:

- Identification as children with disabilities
- Identification in various disability categories
- Placement in educational settings
- Disciplinary actions including suspension and expulsion

Disproportionality is a result of the over-representation of a specific race or ethnicity in relationship to the overall general education and special education populations of the LEA and the State. CDE determines that an LEA has significant disproportionality if it has been identified as disproportionate for the same race or ethnicity for three consecutive years.

If an LEA is determined to be significantly disproportionate in any one of the four areas identified above, CDE will:

- Review the LEA's policies, procedures, and practices to assess compliance with the requirements of the IDEA
- Require the LEA to publicly report either through their website or a presentation to the local board of education on any required revision of policies, procedures, and practices
- Require the LEA to reserve 15 percent of its IDEA grant funds to provide comprehensive coordinated early intervening services to children in the LEA including, but not exclusively for, those children in the groups that were identified as significantly disproportionate
- Require the LEA to seek technical assistance to resolve issues contributing to disproportionality

LEAs that are identified as significantly disproportionate in one or more areas may not take advantage of the opportunity to reduce its Maintenance of Effort by 50 percent

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should there be an increase in federal funds.⁶⁷ When LEAs are notified by CDE of their designation as significantly disproportionate, they are provided information that includes instructions for submitting policies, procedures, timelines, and practices for CDE review and instructions for revising as necessary, developing action and budget plans, fiscal documentation, and reporting.

F. Comprehensive Review

The purpose of the Comprehensive Review ("CR") is:

- To ensure that LEAs are providing appropriate supervision and monitoring for special education programs and services;
- To provide information to CDE regarding key compliance questions; and
- To provide effective general supervision to LEAs in accordance with the obligations imposed on CDE under the IDEA in accordance with the State Performance Plan and as required by 34 CFR §300.600.

Each year, LEAs are selected for participation in the CR process, which consists of record review and includes an on-site, CDE-led review of the LEA's special education and related services delivery program. The CR is based on a monitoring plan that is developed, by CDE staff, from parent input, SPP indicator data, and compliance history information. The monitoring plan provides focus and direction, and acts as a strategic plan for the CR. The primary CR monitoring activities include student record reviews (focusing on procedural compliance, educational benefit, and IEP implementation), policy and procedure reviews, interviews, and a SELPA governance review. Follow-up reviews are completed after the CR is conducted to ensure that the LEA has resolved noncompliance issues identified by the CR and is 100 percent compliant in subsequent records review.

CDE's selection of LEAs for CR includes an examination of the LEA's performance on SPP Indicators, as well instances of complaints, data identified noncompliance, and timeliness of the LEA's data submission.

STEP ONE: EVALUATE INDICATOR ELEMENTS

Using the calculation methodologies prescribed by OSEP for the SPP, CDE includes both performance and compliance indicators into the calculation for selection of LEAs for Comprehensive Review.⁶⁸

⁶⁷ The Maintenance of Effort requirement mandates that LEAs spend at least the same amount of state and local funds to provide services to students with disabilities that were spent in the previous fiscal year. (34 C.F.R. § 300.203.)

⁶⁸ The model CDE uses to select LEAs for Comprehensive Review is attached hereto as **Attachment H**

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STATE DEFENDANTS' PHASE 2 COMPLIANCE REPORT**LEA Performance on Indicators 2, 5, 6, 8, 11-14**

CDE uses the following model to assess dropout rate, student placement/LRE, preschool placement/LRE, parent involvement, 60-day timeline, Part C to Part B transition, secondary transition, and post school outcomes, a 1 to 4 scale is used to determine their Selection Score.

Comprehensive Review Selection Model for Indicators 1-6, 8, 11-14

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> Did not meet Indicator Target in Current Year (CY) Did not Improve in Indicator Target from Prior Year (PY) 	<ul style="list-style-type: none"> Did not meet Indicator Target in CY Improved or maintained in Indicator Target from PY 	<ul style="list-style-type: none"> Met Indicator Target in CY Did not Improve in Indicator Target from PY 	<ul style="list-style-type: none"> Met Indicator Target in CY Improved or maintained in Indicator Target from PY

- If the LEA **met** the indicator's target during the current year and **improved** or maintained the indicator's percentage from the prior year, then the Selection Score is 4.
- If the LEA **met** the indicator's target during the current year and **failed to improve** the indicator's percentage from the prior year, then the Selection Score is 3
- If the LEA **did not meet** to meet the indicator's target during the current year but **improved** or maintained the indicator's percentage from the prior year, then the Selection Score is 2.
- If the LEA **did not meet** the indicator's target during the current year and also **failed to improve** the indicator's percentage from the prior year, then the Selection Score is 1.

LEA Performance on Indicators 1, 3, and 4

CDE uses the following selection model for Comprehensive Review with respect to graduation, assessment, and discipline, employing a 1 to 4 scale to determine their Selection Score.

Comprehensive Review Selection Model for Indicators 1, 3, 4

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> Scores Red on the dashboard for the students with disabilities student group 	<ul style="list-style-type: none"> Scores orange on the dashboard for the students with disabilities student group 	<ul style="list-style-type: none"> Scores yellow on the dashboard for the students with disabilities student group 	<ul style="list-style-type: none"> Scores green or blue on the dashboard for the students with disabilities student group

Preschool Assessment Selection for Comprehensive Review

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The preschool assessment indicator (Indicator 7) is also rated on a scale of 1 to 4 but instead of comparing the LEA's score on the indicator, the Selection Score is based on whether the LEA met the indicator target in the six areas of preschool assessment in the current year.

Comprehensive Review Selection Model for Indicator 7, Preschool Outcomes

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> Did not meet 6 areas of preschool assessment in CY Decreased number of preschool assessment areas met from PY 	<ul style="list-style-type: none"> Did not meet 6 areas of preschool assessment in CY Increased or maintained number of preschool assessment areas met from PY 	<ul style="list-style-type: none"> Met 6 areas of preschool assessment in CY Decreased number of preschool assessment areas met from PY 	<ul style="list-style-type: none"> Met 6 areas of preschool assessment in CY Increased or maintained number of preschool assessment areas from PY

- If the LEA met all 6 areas of preschool assessment in the current year and **increased** or maintained the number of areas from the prior year, then the Selection Score is 4
- If the LEA met all 6 areas of preschool assessment in the current year and **decreased** the number of areas from the prior year, then the Selection Score is 3.
- If the LEA did not meet all 6 areas in the current year but **increased** or maintained the number of areas from the prior year, then the Selection Score is 2.
- If the LEA did not meet all 6 areas in the current year and **decreased** the number areas from the prior year, then the Selection Score is 1

Disproportionality Selection for Comprehensive Review

The three federal indicators related to Disproportionality (Indicator 4b – Suspension and Expulsion by race/ethnicity, Indicator 9 – Disproportionate Representation in Special Education, and Indicator 10 – Disproportionate Representation by Disability) are also evaluated on a scale of 1 to 4, but the current year calculation Selection Score is not compared to the prior year.

Discipline Disproportionality

For discipline by disproportionality (Indicator 4b), an LEA's Selection Score depends on the number of race/ethnicities that are disproportionate.

Comprehensive Review Selection Model for Suspension and Expulsion by race/ethnicity

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> Is Significantly Disproportionate 	<ul style="list-style-type: none"> 4 or more race/ethnicities are disproportionately represented 	<ul style="list-style-type: none"> 1 – 3 race/ethnicities are disproportionately represented 	<ul style="list-style-type: none"> 0 race/ethnicities are disproportionately represented

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- If the LEA is **not disproportionate** (0 instances where race/ethnicities is disproportionate), then the Selection Score is 4
- If the LEA is **disproportionate in between one and three** race/ethnicities areas, then the Selection Score is 3
- If the LEA is **disproportionate greater than three race/ethnicities**, then the Selection Score is 2
- If the LEA is **Significantly Disproportionate**, then the Selection Score is 1

Disability Disproportionality

For disproportionality by disability, (Indicators 10), an LEA's Selection Score depends on the number of race/ethnicity/disability combination areas that are disproportionate.

Comprehensive Review Selection Model for Disproportionality by Disability

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> • Is Significantly Disproportionate 	<ul style="list-style-type: none"> • more than 11 areas are disproportionately represented 	<ul style="list-style-type: none"> • 1 – 10 areas are disproportionately represented 	<ul style="list-style-type: none"> • 0 area are disproportionately represented

- If the LEA is **not disproportionate**, then the Selection Score is 4
- If the LEA is **disproportionate in between one and ten categories**, then the Selection Score is 3
- If the LEA is **disproportionate in more than ten areas**, then the Selection Score is 2
- If the LEA is **Significantly Disproportionate**, then the Selection Score is 1

Overall Disproportionality

Overall Disproportionality (Indicator 9) is determined by the number of race/ethnicities disproportionate **and** the number of instances of noncompliance identified through review of the LEA's policy, procedures, and practices

Comprehensive Review Selection Model for Overall Disproportionality

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> • Is Significantly Disproportionate 	<ul style="list-style-type: none"> • More than 1 race/ethnicities are disproportionately represented • Any instance of noncompliance 	<ul style="list-style-type: none"> • 1 race/ethnicity is disproportionately represented • Any instance of noncompliance 	<ul style="list-style-type: none"> • 0 race/ethnicities are disproportionately represented • 0 instances of noncompliance

- If the LEA is not disproportionate or has 0 non-compliances, then the Selection Score is 4
- If the LEA has one categories of disproportionality **and** any noncompliance, then the Selection Score is 3

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- If the LEA has more than one area of disproportionality **and** any instances of noncompliance, then the Selection Score is 2
- If the LEA is **Significantly Disproportionate**, then the Selection Score is 1

STEP TWO: EVALUATE NON-INDICATOR ELEMENTS

In addition to the calculation of the SPP Indicators, CDE uses the following non-indicator elements in the selection of LEAs for Comprehensive Review.

Complaint and Due Process Noncompliance for Comprehensive Review

Complaint and due process noncompliance selection scores are determined by identifying the number of complaint and due process noncompliances for the current year, and comparing to the number of complaint noncompliances from the prior year. The target number of noncompliance is zero.

Comprehensive Review Selection Model for Complaint and Due Process Noncompliance

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> • One or more noncompliances • Increased count of noncompliances from PY 	<ul style="list-style-type: none"> • One or more noncompliances in CY • Decreased count of noncompliances from PY 	<ul style="list-style-type: none"> • This score is not possible given the methodology 	<ul style="list-style-type: none"> • 0 noncompliances in CY • Decreased (or stayed the same?) count of noncompliances from PY

- If the LEA has zero noncompliances in the current year and decreased the number of noncompliances from the prior year, the Selection Score is 4.
- The Selection Score of 3 is not possible given the current possible outcomes. A district with zero noncompliances could not have increased the number of noncompliances from the prior year.
- If the LEA has one or more noncompliances and decreased the number of noncompliances from the prior year, then the Selection Score is 2
- If the LEA has one or more noncompliances and increased the number of noncompliances from the prior year the Selection Score is 1.

Percentage of IEPs Completed Timely

The selection score for the percentage of IEPs completed in a timely manner is determined by comparing the Prior Year noncompliance score and Current Year compliance score, with a target of 100%.

Comprehensive Review Selection Model for IEPs Completed Timely

Selection Score	1	2	3	4

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Selection Score Criteria	<ul style="list-style-type: none"> • Had any non-excused IEPs completed after one year • Decrease the percentage of compliant IEPs from PY 	<ul style="list-style-type: none"> • Had any non-excused IEPs completed after one year • Increased or maintained the percentage of compliant IEPs from PY 	<ul style="list-style-type: none"> • This score is not possible given the methodology 	<ul style="list-style-type: none"> • All non-excused IEPs were timely • Increased or maintained the percentage of compliant IEPs from the PY
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- If the LEA developed all annual IEPs timely in the current year, taking into account those for whom a valid delay code was provided, and improved or maintained the percentage of timely annual IEPs developed, the Selection Score is 4.
- If the LEA developed all annual IEPs timely in the current year, taking into account those for whom a valid delay code was provided, but failed to improve the percentage of timely annual IEPs developed, the Selection Score is 3.
- If the LEA developed annual IEPs untimely in the current year, but improved or maintained the percentage of timely annual IEPs developed, the Selection Score is 2.
- If the LEA developed all annual IEPs untimely in the current year, and failed to improve the percentage of timely annual IEPs developed, the Selection Score is 1.

Triennials Completed Timely

The selection score for the percentage of Triennials completed in a timely manner is determined by comparing the PY and CY score, with a target of 100%.

Comprehensive Review Selection Model for Triennials Completed Timely

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> • Had any non-excused Triennials completed after one year • Decrease the percentage of compliant Triennials from PY 	<ul style="list-style-type: none"> • Had any non-excused Triennials completed after one year • Increased or maintained the percentage of compliant Triennials from PY 	<ul style="list-style-type: none"> • This score is not possible given the methodology 	<ul style="list-style-type: none"> • All non-excused Triennials were timely • Increased or maintained the percentage of compliant Triennials from the PY

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- If the LEA developed all triennial IEPs timely in the current year, taking into account those for whom a valid delay code was provided, and improved or maintained the percentage of timely triennials developed, the Selection Score is 4.
- If the LEA developed all triennial IEPs timely in the current year, taking into account those for whom a valid delay code was provided, but failed to improve the percentage of timely triennials developed, the Selection Score is 3.
- If the LEA developed triennial IEPs untimely in the current year, but improved or maintained the percentage of timely triennials developed, the Selection Score is 2.
- If the LEA developed all triennial IEPs untimely in the current year, and failed to improve the percentage of timely triennials developed, the Selection Score is 1.

Timely Submission for Comprehensive Review

Selection Score for Timely Submission is determined by the percentage of required items the LEA submitted to CDE both by the deadline and complete.

Comprehensive Review Selection Model for Timely Submission

Selection Score	1	2	3	4
Selection Score Criteria	<ul style="list-style-type: none"> • Less than 50% of the required items submitted timely and complete 	<ul style="list-style-type: none"> • Between 50% and 69% of the required items submitted timely and complete 	<ul style="list-style-type: none"> • Between 70% and 89% of the required items submitted timely and complete 	<ul style="list-style-type: none"> • At least 90% of the required items submitted timely and complete.

- If the LEA submitted 90% or more of the required items timely and complete the Selection Score is 4
- If the LEA submitted between 70% and 89% of the required items timely and complete the Selection Score is 3
- If the LEA submitted between 50% and 69% of the required items timely and complete the Selection Score is 2
- If the LEA submitted less than 50% of the required items timely and complete the Selection Score is 1.

STEP THREE: DETERMINE THE SUM OF SCORE

Add the Selection Scores from all applicable Indicators and Non-Indicator elements.

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STEP FOUR: DETERMINE THE COUNT OF NON-ZERO SCORES

Count all of the Indicators and non-indicator elements that have a non-zero score.

STEP FIVE: DETERMINE THE AVAILABLE TOTAL

Multiply the number of non-zero scores by 4 to determine the maximum available scores for each LEA.

STEP SIX: DETERMINE THE PERCENTAGE OF AVAILABLE TOTAL

Divide the sum of scores from Step Three by the available total in Step Five to calculate the percentage of scores.

STEP SEVEN: DETERMINE A CUT POINT FOR LEA SELECTION

For the 2017–18 selection year, CDE selected all LEAs that were under 65% of the available total.

IV. Using Data Analysis to Make Annual Determinations

The 9/11/18 Order requires the State to describe why its decision to issue annual compliance determinations for certain school districts based on data analysis alone, without further targeted monitoring activity, is sufficient to fulfill its obligations under the IDEA.⁶⁹ As explained below and throughout this report, the State's use of data analysis serves as a sufficient and adequate measure of performance and compliance which allow the State to issue "Meets Requirements" determinations for certain LEAs.

This report has outlined the depth and breadth of data analyses that yields critical information about the performance of LEAs in implementing the provisions of the IDEA. As explained above, for the approximately 800,000 students with disabilities in the state, CDE analyzes annually collected data to review whether LEAs are complying with the IDEA and student performance. CDE's analyses includes the SPP/APR indicator data measuring compliance and performance related to fundamental provisions of the IDEA, data related to least restrictive environment, data related to school discipline, data related to assessment participation and proficiency, data related to child find obligations, data related to compliance with annual and triennial timelines, data regarding services to preschool age students with disabilities, data regarding transition from infant programs to preschool programs, data regarding transition to post-secondary employment or education, disproportionality, data related to due process timelines, and complaints data to select LEAs for participation in a number of further targeted monitoring activities, e.g., PIR, CR, and DINC. Selection for monitoring is based on this comprehensive data analysis and an LEA's resulting performance on these varied measures. Collectively, the way that the data is analyzed across various measures of different aspects of IDEA implementation provides several opportunities for an LEA to

⁶⁹ Dkt. 2439 at 1.

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fail or succeed on the established targets for any given measure, which would indicate a problem in an LEA's IDEA implementation, e.g. by missing a required timeline, high rates of suspension, etc. If an LEA fails to meet targets for any particular measure and is thereby selected for participation in a further monitoring activity, the LEA will not receive a 'Meets Requirements' determination.

If an LEA has been successful on every measure of compliance and performance, e.g., by meeting targets, upholding required timelines, and by not being selected for any further monitoring activities, CDE preliminarily identifies the district as "Meets Requirements." CDE notifies the LEAs of their selection for further monitoring activities in December of each year, and if an LEA has not been selected for further monitoring activities, that LEA may infer their preliminary annual determination as "Meets Requirements." CDE will issue an LEA's official annual determination the following December. If CDE receives additional information through other means outside of the annual data analysis process, e.g., parent complaints, litigation, critical incident, during that intervening period of time—after the data analysis and monitoring selection process is conducted that provides a preliminary identification, and before the compliance determination is officially issued the following December—that suggest the LEA is not compliance or poor performance, the LEA's compliance determination, including an LEA preliminarily identified as "Meets Requirements" based on CDE's initial data analysis, may be affected accordingly.

Furthermore, as described earlier in this report, the data analysis serves as an adequate means of determining when further targeted monitoring activities are warranted in order to probe potential issues further and glean more detailed information about the LEA. In addition, even after the data analysis is conducted each year, concerns about an LEA's compliance or performance can be raised through additional means outside of CDE's data analysis (such as parent complaints) prior to the compliance determination being officially issued. Thus, for those LEAs that receive a "Meets Requirements" compliance determination, the rich data yielded from analyses outlined in this report, coupled with the opportunity for other information to be considered even after CDE has completed its data analyses, serves as a sufficient basis under federal law for CDE to officially issue the "Meets Requirements" determination.⁷⁰

⁷⁰ The annual determination process and enforcement activities will be further addressed in Phase 3.

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V. Attachments

Attachment A: Phase 1 Data Use Table

Attachment B: Part B SPP and APR Instruction Sheet

Attachment C: 11/22/2010 Part B – SPP and APR Memo

Attachment D: SPP Template – Part B

Attachment E: 11/14/2014 SBE Meeting Agenda Item #10

Attachment F: 11/14/2014 SBE Meeting Minutes

Attachment G: 6/30/2015 Letter from OSEP to Superintendent Torlakson

Attachment H: Comprehensive Review Selection Model

Attachment I: Sample Algorithm for LRE (Indicator 5)

Attachment J: Sample Algorithm for Preschool LRE (Indicator 6)

Attachment K: Preliminary Identification of LEAs and Indicator Targets for 2017–18

Attachment L: 2018 California School Dashboard Technical Guide

Attachment M: Preliminary Identification of LEAs and Monitoring Activities for 2018–19

Attachment N: 3/30/2018 Letter from CDE to San Bruno Park School District

Attachment O: Sample Preschool Matrix